

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

NOVEMBER 13, 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. PRESENTATIONS

- A. Presentation on Approach, Scope and Schedule for Code Reform Project. Pg. 7

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

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

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of September 14, 2019 ARCOM Staff Approval for Tow Away Signs Pg. 41

B. Time Extensions and Waivers

1. Time Extension Request, 247 Worth Avenue, Le Bilboquet Restaurant Pg. 90

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Pg. 99

Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at **340 ROYAL POINCIANA WAY SUITE: M337**, legal description on file, is described below.

On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested.

The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application. [Applicant's Representative: James M. Crowley Esq]

- b. **Z-19-00213 VARIANCE(S)** Zoning District: R-B Low Density Pg. 103

Residential The application of Armen A. Manoogian, Applicant, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below.

A request to add a two car one-story garage onto the North side of the house which requires the following variances: 1. Sec 134-1576 A street side yard setback of six feet in lieu of the eighteen foot minimum required 2. Sec 134-893 b (13) A Cubic Content Ratio of 6.13 in lieu of the 5.82 existing and the 3.94 maximum allowed. [Applicant's Representative: Jose Gonzalez, Architect] [Architectural Review Commission Recommendation:

Implementation of the proposed variance will cause negative architectural impact to the subject property. Carried 7-0 The Architectural Review Commission deferred the project to the September 25, 2019 meeting. Carried 4-3] **Request for Withdrawal per Email from Jose Gonzalez.**

2. New Business

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of Charles "Rusty" Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35 foot minimum required in the R-A Zoning District. 3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The

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Architectural Commission Deferred the Project at the October 30, 2019 Meeting. Carried 7-0] **Request for Deferral to the January 15, 2020 meeting per Letter from Maura Ziska.**

b. **Z-19-00224 SITE PLAN REVIEW AND VARIANCE(S)** Zoning

District: R-B Low Density Residential

The application of Andrew and Milla Russo, Applicant, relative to property located at **218 DEBRA LN**, legal description on file, is described below. 1. Section 134-893(b)(2) - A request for Site Plan Review to build a 3,539 square foot, 2 story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances are being requested for the proposed swimming pool. a. Section 134-1757 - Request for a front yard setback of twenty feet, four inches (20.33') in lieu of the twenty-five foot (25.0') minimum front yard setback required by code. b. Section 134-1757 - Request to allow the proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required. [Applicant's Representative: Francis X. J. Lynch] [Architectural Review Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 4-3]

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c. **Z-19-00225 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth

Ave The application of FRO II WORTH OWNER LLC (Andrew Osborne), Applicant, relative to property located at **259 WORTH AVE**, legal description on file, is described below. Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth In Exhibit D(Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 25% maximum allowed for a third story using the Worth Avenue Design Guidelines (see attached Exhibit D). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: The project meets the Worth Avenue Design Guidelines as presented. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 6-1]

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d. **Z-19-00226 SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of

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Karen Lehrman Pravias, Applicant, relative to property located at **225 EVERGLADE AVE SUITE: 1**, legal description on file, is described below. The applicant is requesting Site Plan Review pursuant to Section 134-942 to propose the removal of an existing 120 square foot awning and to replace it with a 192 square foot awning along the south side of the condominium unit, which will require the following variances: 1. Section 134-948 (5) - front yard setback of 17.33 feet in lieu of the 25 foot minimum required for multifamily use in the R-C Zoning District. 2. Section 134-948 (6) -West side yard setback of 14.84 feet in lieu of the 20-foot minimum setback required for multifamily use in the R-C Zoning District. 3. Section 134-948 (9) -Lot coverage of 41.34% in lieu of the 41.17% existing and the 30% maximum allowed for multifamily use in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq]

- e. **Z-19-00227 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Brett and Meaghan Barakett, Applicant, relative to property located at **130 BARTON AVE**, legal description on file, is described below. The Applicant is proposing to construct a two story, 1,597 square foot addition (not including mechanical basement) and a 1,715 square foot basement. The addition is to be the same height and overall height of existing home, but the addition requires the following variance requests: 1. a height of 24.4 feet in lieu of 22 feet maximum permitted (Section 134-893(10)); 2. An overall height of 29.2 feet in lieu of 25 feet maximum for a flat roof residence (Section 134-893(10); and 3. A rear building height plane height of 24.4 feet in lieu of 22 foot maximum (Section 134-893(8). [Applicant's Representative: Tim Hanlon Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions relating to the architecture. Carried 7-0]

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IX. ANY OTHER MATTERS

- A. Discussion to Consider Section 66-236 to Require Town Approval of Removing Landscape Buffers
- B. Discussion of Previous Vote and Reconsideration of Request from O'Conner Property Management on Behalf of Wilson 151 Worth, LLC, to Release the 1998 Use Agreement Requirements for 152 Peruvian Avenue

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X. 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: November 13, 2019

Section of Agenda
Presentations

Agenda Title
Presentation on Approach, Scope and Schedule for Code Reform Project.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated November 6, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Code Reform Project Brief and Proposed Work Plan**
- ▣ **Palm Beach Code Reform FAQ**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Joshua Martin, Director of Planning, Zoning & Building

RE: Town of Palm Beach: Project for Code Reform

DATE: November 6, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council consider the attached scope, approach, and path forward regarding Zoning Code Reform for the Town of Palm Beach.

GENERAL INFORMATION

Almost a year ago, I began working at the Town as the Director of our department. Recently, I pulled out my meeting notes from my first meeting with Kirk and Jay and read the following from that meeting: “the immediate focus of your leadership of the department should include improving the many processes of the department (way too many forms, outdated processes, streamlining and making processes more user-friendly), using a common sense approach, improving responsiveness of our staff members (24-hour response time), being more accessible to the public and our customers, reforming the customer service culture of the department’s employees, explore ways we can use technology to improve our processes and customer service, and make a point to reach out to the external customers on site in Town and in the public . . .”

Reflecting over the (almost) past year, I am proud to report that we (PZB) have made a significant amount of progress in the aforementioned initiatives. Through a combination of all of your hard work and Wayne coming on board in December as our new Assistant Director/Chief Building Official, we have managed to achieve the following (and there are many others):

- Reorganized the Planning, Zoning, and Building Department in an effort to implement a community-wide mandate and a vision approved by leadership that: promotes customer service to residents, property owners, business owners, and various contractors/consultants that is timely, consistent, respectful, clear, and accountable; and constructs a framework that empowers process owners and managers within the department to take actions that result in real and sustained improvements to the processes of the department;
- Identified and began adopting “quick fixes” for the Zoning Code with Staff, stakeholders, Planning and Zoning Commission, and Town Council including a general approach to comprehensive Zoning Code Reform;

- ARCOM and LPC staff reviews/approvals are now processed as PERMITS, which has eliminated storage of approved plans pending payment, eliminated unpaid staff approvals, eliminated lost plans, and greatly expedited the review process;
- Community outreach with residents, business owners, and professionals to see how department processes can be improved upon to provide better service and efficiencies; The A/C, roofing, and water heater affidavit program that allows licensed contractors to certify their installation as code compliant, eliminating final inspections by Town inspectors (although we can audit the installations for ensure compliance);
- Implemented a revision to the EDEN permitting software to allow the issuance of just ONE building permits for a project. This will significantly reduce staff and customer time in the application and permit issuance processes;
- Implemented “turn-around” permits for certain small construction and renovation projects, like water heater and A/C replacements;
- Conversion of all Public Work’s Right-of-Way permit types from the AS400 to EDEN;
- Creation of Staff Approval permit type to facilitate the collection of delinquent fees and allow electronic review/approval and timely digitization of ARCOM and LPC staff approvals;
- Oversee the processing of Special Event permits;
- PZB Digital Submission Task Force – vetted options for implementation of a digital plan review system;
- ERP Task Force identified Tyler EnerGov implementation as the best step forward for an online permitting system;
- Completed the ISO Building Code Effectiveness Grading Schedule;
- Contracted with engineers from KimleyHorn – one for structural, one for assistance to Public Works/Development Plan Review;
- Established Construction site monitoring program for all active construction projects in the Town;
- Created contractor self-certification affidavits;
- Issued window / energy code interpretation letter;
- Established the one permit per project (dropping from 76 permit types to 36);
- Drafted the clean-up of Chapter 18, Building and Administrative Amendments Ordinances which were adopted by Town Council;
- Introduced Annual Facility permits for commercial buildings;
- Monitored and improved overall building plan and development plan review timelines and started turn-around permits for the first time in the Town's history;
- Drafted updates to the Business Tax Rates that were ultimately adopted by Town Council;
- Drafted updates to the Master Fee Schedule that were ultimately adopted by Town Council;
- Created and implemented Certificate of Occupancy Checklist for all large projects,
- Implemented the certification process for final costs of building projects which in return captured lost (in the past) revenue to the Town;
- Drafted the first-ever Town Property Maintenance Code which was ultimately adopted by Town Council; and

- Drafted the first-ever construction screening ordinances for ARCOM and LPC which were ultimately adopted by Town Council.

But our department still has a great deal to do and many achievements lie ahead. As I outlined in a recent Staff Meeting, over the next year, I am confident we can achieve the following:

a. **Adopt a proposed path forward for comprehensive Zoning Code Reform with Staff, stakeholders, Planning and Zoning Commission, and Town Council.** A successful outcome will include the following: identifying the type of code the Town should pursue as well as methodology of code; scoping of the zoning code reform; defining the area of the new/parallel code; identify the planning process for the code reform; determining the relationship with existing regulations; assessing existing conditions; visioning and creating regulations by engaging the community, explaining and illustrating the new regulations, create the regulating plan and zoning district regulations, and create a new development review process. ***The attached approach and scope in partnership with the Congress for the New Urbanism (CNU) outlines the proposed path forward recommended by Staff to Town Council for consideration during the 14 August 2019 Town Council Development Review meeting.*

b. **Continue to improve the day-to-day building permit and development plan review processes within the next six months.** A successful outcome will include the following: reducing the turnaround time for building permit issuance and development plan review; identify and execute “permits while you wait”, establish specific review days of the week: ARCOM, LPC, development plan review, and minor permits; and insert more professional judgment in the permitting/plan review process by our Staff. ***This task in an ongoing project within the Department.*

c. **By the end of the 2019, complete the Palm Beach Process Improvement Initiative to assist Planning, Zoning, and Building (PZB) customers, staff, and managers responsible for resident, business, and development review processes in identifying and implementing process improvements.** The primary purpose of this process will be to begin melding the processes into a seamless experience that is:

- Supported by customer service that is timely, consistent, respectful, clear, and accountable; and
- Conducted in partnership with the residents, business community, and private development sector with better tools and support to staff in performing their roles.

The aim of the project becomes to empower process owners and managers to take actions that result in real and sustained improvements to the aforementioned processes. It will focus on the facets of the process that process owners and managers within the PZB department are in control of and can actually change. The focus of what can be changed will be defined at the very beginning of the project so that valuable time will not be wasted on thing that cannot be changed. ***To date, the PZB Department has conducted two public workshops on Process Improvement. The third workshop will be conducted in September 2019 and the last workshop will be conducted in the Fall (late November or December).*

The project will use a continuous improvement approach and lean methodology to facilitate the following outcomes:

- Clear understanding among all process owners of the end-to-end process (“as is”);
- Identification of bottlenecks and inefficiencies that create backlogs and inconsistent outcomes, resulting in both frustration for both customers and staff,
- Shared understanding and a clear vision among all process owners for an improved, streamlined process (“to be”) that addresses frustrations and inefficiencies; and
- Tangible changes that reduce the amount of time it takes the city to issue/process applications through the various PZB review processes and improve customer and staff satisfaction with the process and its outcomes.

The project will include, but not be limited to the following tasks:

- Mapping of the current and future state processes, identifying gap and process improvements, develop action plans, and work on five improvement projects for 90 days;
- Assess technology to determine how automation technology may be used to further streamline work flows and bring Palm Beach’s process in line with current industry standards and best practices that are tailored for Palm Beach’s unique environment;
- Conduct listening sessions with stakeholders (residents, business owners, Town Council members, civic organizations, PZB board and commission members, developers, design professionals, contractors/subcontractors, and others as needed) to hear frustrations with the process, identify what is working well, gather their ideas for improvements and share some of the Town’s emerging solutions for process improvements.

A successful outcome will include the following:

- Fully documented current and future state process maps, with a clear vision of what the process is to become and the value proposition for customers;
- Full understanding of the process across all divisions of the PZB department, including the problem areas and inefficiencies and what is needed to further automate the process to achieve more streamlining and greater efficiencies;
- Staff skills in business process mapping and applying lean practices to achieve process improvements;
- Clarity about how customers view the process, what they want from it, and the changes they would like the Town to make;
- Greater willingness to see changes positively, consider alternatives to current policies and procedures, and take action to change the process for the better;
- Measurable progress on all of the targeted process improvements;
- More collegial relationships and stronger collaboration among the divisions within PZB that carry out the various processes;
- Greater understanding of the departmental-level capacity to work on and sustain improvements; and
- Final product that “owned” by the various stakeholders that will participate in the initiative.

My expectations for the PZB Department remain to continue the path of positive change we are on via a client-focused mentality, professionalism, self-starter attitudes, and continued risk-taking in the name of responsibility and common sense.

CC: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney

Town of Palm Beach

Project for Code Reform Project Brief and Proposed Work Plan

Revised Final Draft date: November 6, 2019

The Town of Palm Beach seeks to reform its conventional zoning code. In addition to being based on outdated auto-centric land use patterns, the current code is also unmanageable due to extensive, contradicting standards and special district conditions added over the past several decades.

Most existing zoning codes, including that of Palm Beach, were written to guide the post-war housing boom. While these codes were able to accommodate unprecedented growth, many had unintentional consequences that hampered the ability to develop more of the walkable, vibrant streets and neighborhoods that were the historic hearts of many villages and cities. In Palm Beach, it is illegal in the Town's zoning code to build a replica of a beloved building or neighborhood of Historic Palm Beach. Furthermore, the process of updating a code can be expensive and time consuming, requiring significant municipal capacity.

In devising a work plan for the Code Reform Project, Josh Martin, Director of Planning, Zoning, and Building spent nearly a year meeting with residents, business owners, and other stakeholders to ensure that the Town of Palm Beach would experience the most bespoke code reform process in the country—one that had not been experienced before, as the Town of Palm Beach deserves an inimitable approach to zoning code reform given its inimitable built environment.

As a result, the following four pillars of the code reform project became apparent:

- **Research:** The Town of Palm Beach deserves to be equipped with leading research from a leading institution/think tank regarding all facets of zoning code reform;
- **Education:** Once the research of best practices of code reform has been completed, international leading experts in the subject areas of code reform shall participate in a number of symposiums in Palm Beach to reflect on the research at hand as well as their prominent and respected experience in the respective subject matter. The proposed subject areas will as a result include a comprehensive review of the entire, existing Town of Palm Beach Zoning Code;
- **Transparency:** The code reform process should be discussed, deliberated, and composed in the public and by the public. Therefore, following each symposium, a community feedback session will be conducted to reflect and comment on the information that was transmitted to the Town; and
- **Incremental Code Reform:** Following the research, education, and community feedback loops, proposed "incremental" code reform (for each subject area) will be drafted and again considered via community feedback sessions in a series of public venues.

In 2016, the Congress for the New Urbanism (CNU -- CNU is a nonprofit 501(c)(3) organization headquartered in Washington, DC) launched the Project for Code Reform to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. While the reform strategies developed through the project have been met with widespread support, an opportunity to fully demonstrate the systemic implementation of incremental reform would provide key learnings for the project and illustrate a front-to-back strategy that other communities could model.

As a result, CNU now seeks to leverage the Project for Code Reform by partnering with the Town of Palm Beach, with the ultimate goal to comprehensively analyze the full extent of regulations that can inhibit the placemaking, historic preservation, and historic form promotion strategies that have a demonstrated track record of increasing financial performance, preserving and revitalizing historic commercial corridors, protecting the environment, and helping to create more equitable communities. As a byproduct of this research, CNU will then empower expert code-writing members to draft an orderly, incremental but comprehensive code reform process based on current research, best practice, and community context, delivered with significant public education and engagement. The outcome will be a radically simplified town-wide zoning code, easily understood and fully integrated across all land use regulations.

CNU is proposing a five-step process for implementing this project, which will be implemented through six categories of research. The five-step process includes:

- Analysis of existing code elements across all land use regulations,
- Research into existing federal and state regulations that impact local development,
- A half-day symposium led by national experts on critical coding considerations and town building principles,
- A half day public engagement exercise following each symposium, and
- Provision of recommended code changes (or language for new land use regulations) that incorporates all of the above.

The five categories of land use regulatory research through which this process will be delivered include:

- The History, Theory and Practice of Land Use Codes
 - Speaker 1: (Leading Expert in Urban Design)
 - Speaker 2: (Leading Academic in Planning History)
- Place, Form, and Space in the Town of Palm Beach
 - Speaker 1: (Leading Expert in Code Writing)
 - Speaker 2: (Leading Expert in Architecture)
- Vulnerability Analysis and Design & Regulation for Resiliency
 - Speaker 1: (Leading Expert in Sustainability)
 - Speaker 2: (Leading Expert in Resiliency)
 - Speaker 3: (Leading Expert in Climate-Responsive Design)
- Complete Streets, Retail Trends, and Parking Resource Management
 - Speaker 1: (Leading Expert in Retail)
 - Speaker 2: (Leading Expert in Transportation)

- The Power of Good Design in Coding Urban Outcomes
 - Speaker 1: (Leading Expert in Urban Design)
 - Speaker 2: (Leading Expert in Public Health)
 - Speaker 3: (Leading Expert in Architectural Design)

Prior to the launch of the project, a preliminary symposium and corresponding community listening session focused on the Historic District will be conducted (scheduled: December 4-5), responding to the immediate needs of the Town and allowing for this major area of research to begin immediately.

With the results of the Historic District research, symposium, and feedback, taken together with these five identified additional categories of research, all major factors mitigating the built outcomes of the Palm Beach zoning code will be researched and analyzed, and specific coding recommendations will be developed. At the completion of the process, these coding recommendations will be compiled into a completely reformed zoning code for the Town.

A town-wide incremental zoning overhaul this systemic has never been done in the U.S. By breaking the process and the analysis into incremental phases, and educating the public on the essential elements of land use regulations and state requirements, CNU believes the result will deliver a code reform process that is replicable in other cities and towns in the U.S. A partnership between CNU and the Town of Palm Beach will not only provide the Town with a newly reformed code, it will also provide CNU with insights on the incremental code reform process: what works, what doesn't, and how it can be replicated in other places.

PROPOSED WORKPLAN

Task 1 - Kickoff & Research: *Identify the Needs for Code Reform in Palm Beach*

In order to fully understand the breadth and depth of the code reform needs in the Town of Palm Beach, a formal project launch and thorough background of research is necessary. CNU will lead a Kickoff meeting with Town elected officials, staff, and stakeholder group representatives to launch the project, explain the incremental code reform process, and solicit feedback and facilitate a dialogue on the common zoning obstacles. Additionally, CNU will conduct an analysis of the land use regulations across the 5 identified categories of research that are contributing to the challenges of placemaking in the Town of Palm Beach, identified the major obstacles to be addressed through the code reform process.

Strategy: Kickoff Meeting and Research Papers on Land Use Regulatory Themes

Objective: Analyze existing regulatory obstacles to best practice placemaking strategies across 5 identified categories of research

Primary Team Members: CNU (Mallory Baches, Avery Kelly), Researcher (Bruce Donelley)

Secondary Team Members: CNU (Lynn Richards), Code Experts (Matt Lambert, Marina Khoury)

Sub-tasks:

- Kick-off meeting with Town of Palm Beach and Project Team to cement scope, confirm approach, and engage local departmental partners in process of project
- Research of relevant local, state, and federal regulations on land use
- Distillation of research into major placemaking-inhibiting obstacles
- Delivery of research in an easy to read, annotated document suitable for publication

Deliverables:

- 5 @ 3-5-page reports on each of the identified categories of research
- Preparation work associated with each research paper
- Design/layout work associated with each research paper

Task 2 - Symposium Series: *Link Code Reform to Stakeholder Interests and Address Community Concerns*

In order to engage and ground the Palm Beach community in the need for, implications of, and considerations associated with the incremental code reform process, CNU will facilitate individual symposia focused on the five (5) identified categories of land use regulation research. To deliver this public education, CNU will leverage the expertise of nationally-recognized experts in fields critically associated with zoning, including: architecture, urban design, planning, historic preservation, landscape, sustainability, resiliency, transportation, commercial development, housing, and public health. Additionally, CNU will facilitate community listening sessions in conjunction with each symposium, to gauge concerns and solicit feedback on the subject.

Strategy: Organization and Execution of Symposium Series

Objective: In incremental phases, provide public educational grounding, fostered by national industry experts speaking on the primary land use regulatory themes impacting the Town of Palm Beach

Primary Team Members: CNU (Mallory Baches, Tracy Cooper)

Secondary Team Members: CNU (Lynn Richards), Code Experts (Matt Lambert, Marina Khoury)

Sub-tasks:

- Coordinate with speakers on preparation for presentations
- Collaborate with Town of Palm Beach on outreach for series
- Record and publish presentations online
- Facilitate public listening sessions following each presentation
- Record and document community feedback

Deliverables:

- 5 @ 2-day site visits for symposium series
- Preparation work associated with each site visit
- Documentation/publication work associated with each site visit

Symposium Series Schedule			
February 6	Symposium 1: History of Codes/Code Theory/Zoning Codes Best Practices	Leading Expert in Urban Design / Leading Academic in Planning History Lynn Richards Mallory Baches Marina Khoury	Organizational Approach, Short Term vs Long Term Fixes, Vision for Code
February 20	Symposium 2: Place Types, Form, Height/Scale/Mass, Landscape, Open Space	Leading Expert in Code Writing / Leading Expert in Architecture Mallory Baches Marina Khoury	Architectural Standards, Height Districts, Frontage Types, Composition Adjacency Requirements, Transition Principles, Use/Form
March 5	Symposium 3: Vulnerability Analysis, FEMA Regulation, Local Regulations, Disaster Regulations, Design	Leading Expert in Sustainability / Leading Expert in Resiliency / Leading Expert in Climate-Responsive Design Mallory Baches Marina Khoury	FEMA Design Strategies, Sustainability Strategies, Stormwater Strategies
March 19	Symposium 4: Retail + Parking + Transportation (Complete Streets)	Leading Expert in Retail / Leading Expert in Transportation Mallory Baches Marina Khoury	Retail Strategy (Main Street District), Parking Standards and Management Strategy, Transportation and Streetscape Network

April 2	Symposium 5: Inclusive Mobility/Public Health/the Power of Good Design	Leading Expert in Urban Design / Leading Expert in Public Health / Leading Expert in Architectural Design Lynn Richards Mallory Baches Marina Khoury	Urban Standards, Lot Coverage, Frontage Buildout, Additional Requirements and Guidelines, Sign Standards
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Task 3 - Workshop: *Determine Place Types, Map the Municipality, and Draft Code Reform Framework*

CNU will lead a five-day workshop, where the team will work directly with Town staff to learn about the most prevalent planning and zoning obstacles to livable, walkable placemaking specific to the needs and concerns of the Town of Palm Beach. The team will determine the place types and context zones present in Palm Beach, map the municipality based on these place types and context zones, and develop protection and/or enhancement goals for each. The outcome of the workshop will be a Code Reform Framework, which the team will use as a tool when compiling the specific replacement code elements for each place type in Palm Beach, based on the five (5) identified categories of land use regulation.

Strategy: Incremental Coding Workshop

Objective: Utilizing background research on existing regulations, Determine Place Types and Map Municipality in order to draft corresponding Code Reform Framework, outlining the structure for delivering replacement code elements based on land use regulatory themes

Primary Team Members: CNU (Lynn Richards, Mallory Baches), Code Experts (Matt Lambert, Marina Khoury), Renderer (DPZ CoDesign)

Sub-tasks:

- Determination of place types
- Mapping of districts
- Building of code reform framework
- Preliminary structuring of replacement code elements
- Illustrating of common existing code conditions, as needed

Deliverables:

- 1 @ 1-week workshop to analyze existing code and propose conceptual recommendations
- Preparation work associated with planning workshop
- Draft framework for revised code elements
- Illustrations associated with code conditions

Background Base Mapping needed from Town of Palm Beach:

- Existing Building Types/Lot Types/District Types documentation
- Synoptic Survey results

Task 4 - Code Elements Framework: *Deliver, Review, and Adopt Replacement Code Elements*

Utilizing the Code Reform Framework created during the five-day workshop, the team will develop specific incremental land use regulation changes for each place type within the Town of Palm Beach. The resulting place-specific strategies will identify the incremental reform that Palm Beach should implement in each of the critical coding areas. CNU will facilitate the delivery of these replacement code elements, in incremental phases based on the five (5) identified categories of land use regulation and in conjunction with each of the five (5) symposia, to the Town of Palm Beach for review and adoption.

Strategy: Code Element Drafting, Listening Sessions and Review, Code Element Refinement, and Incremental Adoption

Objective: Deliver replacement code elements with precise code text and corresponding diagrams, inserted into draft code reform framework incrementally with the subject matter and phasing of 6 symposiums, to be reviewed to ensure they respond to the zoning reform challenges facing the Town of Palm Beach and are easily implemented, in preparation for refinement and incremental adoption

Primary Team Members: Code Experts (Matt Lambert, Marina Khoury)

Secondary Team Members: CNU (Lynn Richards, Mallory Baches)

Sub-tasks:

- For each land use regulatory theme, draft recommended replacement code elements and insert into code reform framework
 - Incorporate review/ground truthing by Town of Palm Beach and stakeholders
 - Incorporate community feedback based on listening sessions
- Refine recommended code elements as necessary
- Publish recommended code elements
- Facilitate adoption of recommended code elements

Deliverables:

- 5 @ reviewed individual land use regulatory-thematic sets of recommended code elements

Task 5 - Code Documents Creation: *Layout Document Structure and Design Individual Code Deliverables*

CNU will design and layout an overall document structure, within which to embed each of the 5 sets of specific incremental land use regulation changes for each place type developed by the team as well as any related guidance materials necessary. The layout will be designed with the goal of creating a user-friendly document that breaks down complicated information so that it is easily understood and more accessible to non-planning professionals, as well as easily applied and administered by the Town of Palm Beach staff.

Strategy: Create a Comprehensive Community Code Document

Objective: Provide a simple organizing structure and incrementally embed strong, easy-to-understand code deliverables, as will be essential for the Town of Palm Beach to use the complete document and adopt the individual sets of recommendations embedded within

Primary Team Members: CNU (Mallory Baches), Renderer (DPZ CoDesign), document designer

Secondary Team Members: Code Experts (Matt Lambert, Marina Khoury)

Sub-tasks:

- Acquire images from Team and Town of Palm Beach, as needed
- Develop iconography/graphics/diagrams necessary for clearly conveying individual sets of replacement code elements
- Layout of document structure
- Embedding of replacement code elements
- Illustrating of common replacement code conditions, as needed
- Draft review of each set of code deliverables by Town of Palm Beach
- Finalization of each set of code deliverables

Deliverables:

- 5 @ fully formatted draft/final code documents for review by Town of Palm Beach

Task 6 - Final Report and Analysis: *Draft Summary Report of Incremental Code Reform Process and Final Coding Results*

CNU will lead a review workshop with the team, in order to analyze the project and provide a final reporting document that summarizes the research and specific incremental code reform of the 6 identified categories of land use regulation and for each Palm Beach place type, based on the learnings from the 5-day workshop, the review of the replacement code elements, and the feedback from the community listening sessions. The layout will be designed to provide an easy-to-read document that fully summarizes the code reform process and products delivered to the Town of Palm Beach. CNU will then work with the Town to facilitate outreach and communication of the final report to the audiences of both CNU nationally and the Town of Palm Beach locally.

Strategy: Review Workshop to Compile Research and Replacement Code Elements into Final Findings Report

Objective: Compile the research and product developed through the Incremental Code Reform Process and Model Comprehensive Community Code delivered to the Town of Palm Beach through this project into a final findings report suitable for publication and distribution

Primary Team Members: CNU (Lynn Richards, Mallory Baches, Lisa Schamess), document designer

Secondary Team Members: Code Experts (Matt Lambert, Marina Khoury)

Sub-tasks:

- Compile and analyze the process and products derived from the project
- Summarize and provide analysis of code elements delivered to Palm Beach
- Design and layout of report
- Outreach and communication of final report

Deliverables:

- 1 @ 1-week workshop to compile and synthesize research and findings, analyze code documents, and draft final report framework
- Preparation work associated with planning workshop
- 1 @ fully formatted final report documenting process/product
- Preparation work associated with final report
- Design/layout work associated with final report

Task 7 - Conclusion: *Draft Findings Document of Incremental Code Reform Implementation*

CNU will develop a findings document that synthesizes the process and products developed for the Town of Palm Beach project, to determine lessons learned and identify areas for further research relevant to the implementation of a complete incremental code reform process. CNU will work with the Town to review the project and identify examples of best practices and opportunities for improvement, and will compile strategies for systematizing response to both. CNU will then draft a reference manual for communities to refer to when implementing their own Incremental Code Reform process.

Strategy: Create an Incremental Code Reform Manual

Objective: Synthesize the outcomes developed through CNU's facilitation of a complete Incremental Code Reform Process into a findings document illustrating how other cities can replicate the process implemented in the Town of Palm Beach.

Primary Team Members: CNU (Lynn Richards, Mallory Baches, Lisa Schamess), document designer

Sub-tasks:

- Synthesize the complete research content executed through the project
- Design and layout of guide
- Outreach and communication of guide

Deliverables:

- 1 @ fully formatted findings document for broader audience
- Preparation work associated with findings document
- Design/layout work associated with findings document

PROPOSED TEAM

Research Team:

- Lynn Richards, CNU (face of project)
- Mallory Baches, CNU (PM)
- Support staff
 - Bruce Donnelly, Access Places (researcher)
 - Avery Kelly, CNU (research assistant)
 - Tracy Cooper, CNU (logistics coordinator)
 - Lisa Schamess, CNU (communications)

Coding Team:

- Marina Khoury, DPZ CoDesign
- Matt Lambert, DPZ CoDesign
- Renderer: DPZ CoDesign

PROPOSED BUDGET

In order to deliver the previously identified deliverables, the proposed budget shall be \$250,000 plus expenses. The budget needed for this project has already been approved by the current, fiscal year budget via a code reform line item as well as salary savings for a full-time planner position.

Project Deliverables:

- 5 @ 3-5-page reports on each of the identified categories of research
 - Preparation work associated with each research paper
 - Design/layout work associated with each research paper
- 5 @ 2-day site visits for symposium series
 - Preparation work associated with each site visit
 - Documentation/publication work associated with each site visit
- 1 @ 1-week workshop to analyze existing code and propose conceptual recommendations
 - Preparation work associated with planning workshop
 - Draft framework for revised code elements
 - Illustrations associated with code conditions
- 5 @ reviewed individual land use regulatory-thematic sets of recommended code elements
- 1 @ 1-week workshop to compile and synthesize research and findings, analyze code documents, and draft final report framework
 - Preparation work associated with planning workshop
- 1 @ fully formatted final report documenting process/product
 - Preparation work associated with final report
 - Design/layout work associated with final report
- 1 @ fully formatted findings document for broader audience
 - Preparation work associated with findings document
 - Design/layout work associated with findings document

PROPOSED PROJECT TIMELINE (final schedule TBD once project is approved)

January 2020			
January 6	Kickoff Meeting	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards	
January 6-10	Incremental Coding Workshop: Analysis/Mapping/Base Materials	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards (Public Engagement)	Synoptic Survey, Place Types, Context Zones, Open Space, Lot Type, Building Types
January 30	Symposium 1 research prep deadline		
February 2020			
February 6	Symposium 1: History of Codes/Code Theory/Zoning Codes Best Practices	Leading Expert in Urban Design / Leading Academic in Planning History Lynn Richards Mallory Baches Marina Khoury	
February 7	Community Feedback Listening Session	Mallory Baches Marina Khoury	
February 13	Symposium 1 code recommendations deadline		
	Symposium 2 research prep deadline		
February 20	Symposium 2: Place Types, Form, Height/Scale/Mass, Landscape, Open Space	Leading Expert in Code Writing / Leading Expert in Architecture Mallory Baches Marina Khoury	History of Palm Beach, Mapping/Synoptic Survey, Transitions, Adjacency Requirements
February 21	Community Feedback Listening Session	Mallory Baches Marina Khoury	
February 27	Symposium 2 code		

	recommendations deadline		
	Symposium 3 research prep deadline		
March 2020			
March 5	Symposium 3: Vulnerability Analysis, FEMA Regulation, Local Regulations, Disaster Regulations, Design	Leading Expert in Sustainability / Leading Expert in Resiliency / Leading Expert in Climate-Responsive Design Mallory Baches Marina Khoury	(ex: elevate historic structure, new infill)
March 6	Community Feedback Listening Session	Mallory Baches Marina Khoury	
March 12	Symposium 3 code recommendations deadline		
	Symposium 4 research prep deadline		
March 19	Symposium 4: Retail + Parking + Transportation (Complete Streets)	Leading Expert in Retail / Leading Expert in Transportation Mallory Baches Marina Khoury	
March 20	Community Feedback Listening Session	Mallory Baches Marina Khoury	
March 26	Symposium 4 code recommendations deadline		
	Symposium 5 research prep deadline		
April 2020			
April 2	Symposium 5: Inclusive Mobility/Public Health/the Power of Good Design	Leading Expert in Urban Design / Leading Expert in Public Health / Leading Expert in Architectural Design Lynn Richards Mallory Baches	

		Marina Khoury	
April 3	Community Feedback Listening Session	Mallory Baches Marina Khoury	
April 9	Symposium 5 code recommendations deadline		
April 20-24	Completion Workshop: Compilation of Research Papers into Final Recommendation Report	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards (Public Engagement)	
May 2020			
May 14	Draft document delivered		
May 28	Comments received from Town of Palm Beach		
June 2020			
June 5	Final Draft document delivered		

[The Congress for the New Urbanism \(CNU\)](#) is an international non-profit working to build places people love—thriving, prosperous communities where people have diverse choices for how they live, work, shop, and travel. Our mission is to help create more great places. We do this by changing the practices and standards of urban design and development to support healthy regions and diverse, complete neighborhoods.

With nineteen chapters and headquartered in Washington, D.C., CNU works to unite the New Urbanist movement. Our projects and campaigns empower our members' efforts, identify policy opportunities, spread great ideas and innovative work to a national audience, and catalyze new strategies for implementing policy through design approaches.

All New Urbanists share the conviction that our physical environment has a direct impact on our chances for happy, prosperous lives. Our movement includes professionals, leaders, advocates, citizens, and like-minded organizations working to identify and address the range of issues impeding the development and redevelopment of well-designed neighborhoods, public places, commercial corridors, and rural environments.

The Project for Code Reform

Why aren't more cities implementing placemaking strategies, which are proven to expand economic activity, increase mobility, protect the environment, and create more equitable places? In many cases, it's because a municipality's zoning codes and ordinances make it illegal to create the type of vibrant communities that support jobs, foster economic development, and are attractive places for people to live, work, and play that residents and local leaders are seeking.

The challenge before the placemaking movement now is how to bring coding innovations and changes to the 42,000 units of local government with zoning authority. To date, a limited number of cities have updated their codes, creating inequities between cities and towns with—and without—resources to update their zoning codes to create the foundation for diverse, vibrant places.

CNU's [Project for Code Reform](#) seeks to streamline the code reform process by providing local governments place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. And to do it in a way that meets planners, mayors, and planning commissioners where they are: politically, financially, and administratively. The Project's incremental approach allows jurisdictions to set their own pace for code changes, allowing them to prioritize their coding efforts, respond to the community's vision and needs, and allows for greater community learning and understanding.



Lynn A. Richards
President and CEO, Congress for the New Urbanism

EXPERIENCE

CONGRESS FOR THE NEW URBANISM

PRESIDENT AND CEO

2014-PRESENT

I manage all aspects of CNU including strategic planning, fund raising, communications, program development and implementation, and event planning. Under my leadership, with 2600 members, a staff of 10, and a budget of \$1.4M, we are working to strategically address regulatory and administrative barriers to good urbanism in the areas of transportation standards and designs, financing, equity, and environmental issues.

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF SUSTAINABLE COMMUNITIES, Washington, D.C.

Senior Policy Analyst—Special Projects

2013-2014

I was responsible for developing tools and policies for state and local government, which are designed to create more places that people love. Tools cover topics such as transportation policy and street design, suburban retrofit, state stormwater standards, and other policies designed to change other state standards.

HARVARD UNIVERSITY GRADUATE SCHOOL OF DESIGN / LINCOLN INSTITUTE OF LAND POLICY

2012 – 2013

Loeb Fellow/ Lincoln-Loeb Fellow

I used my Fellowship year to expand my leadership skills and deepen my technical knowledge on the role of design in community redevelopment efforts, with a particular focus on rescaling suburban environments.

Accomplishments included:

- Researched suburban retrofit strategies, including economic development, environment, transportation, and equity approaches.
- Taught a new January-term course on suburban retrofit and co-taught a semester-length study on a North Hollywood, CA suburban redevelopment and revitalization project.
- Gave guest lectures in a dozen Harvard classes and at eight Boston-based organizations, including two sold-out lectures on suburban retrofit at the Lincoln Institute, and was a studio critic during mid-term and final studio reviews.

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF SUSTAINABLE COMMUNITIES, Washington, D.C.

Policy Director

2010- 2013

I was responsible for tracking emerging design and development trends, developing the Office's strategic plan and budget to respond to those trends, and crafting specific policy initiatives to maximize our effectiveness and leverage emerging opportunities. Accomplishments include:

- Worked with approximately four dozen state and local governments to implement placemaking approaches by developing policies, urban design strategies, and environmental solutions for vibrant, prosperous neighborhoods (also did this as senior policy analyst).
- Worked with several EPA offices to: (1) develop standards, policies, and strategies for a national regulation on stormwater management that facilitates downtown revitalization, and (2) incorporate stormwater management into smart growth and green building policies and programs.
- Developed several new community-based technical assistance efforts aimed at providing policy options around common barriers for over 150 communities a year.
- Served on USGBC LEED Locational and Planning Technical Advisory Group.
- Identified internal and external performance metrics.
- Served as high-level spokesperson for EPA and the DOT-HUD-EPA Sustainable Communities Partnership for engagements at the White House, Office of Management and Budget, state and local governments, and other stakeholder meetings and workshops, including defending our budget to OMB and Congress.

Acting Director for EPA's Smart Growth Program**2008-2009, 2010**

I managed all aspects of EPA's smart growth and sustainable design work, including managing 17 staff, 50 projects, and a \$7.0M budget. Accomplishments included:

- Worked with external and internal partners to develop smart growth sustainable design policies, strategies, and regulatory requirements, including strengthening and expanding national coalition of smart growth advocates and organizations.
- Developed the Division's 2008-09 strategies plan and budget, including aligning all projects within the Division's 5-year priorities, developing associated performance measures, and maximizing leveraging efforts, e.g., for every \$1 we spent, we leveraged \$8 from other federal, state, or local resources.
- Revised the Division's process for delivering technical assistance to communities to ensure narrower focus, better alignment with the Division's priorities, and compliance with Agency's contracting rules.
- Briefed EPA senior management, OMB, White House staff, and Congressional staff on all aspects of our smart growth and sustainable design program.

Senior Policy Analyst, Smart Growth Program**2000 - 2008**

I worked in all aspects of the Smart Growth program, including running the National Award for Smart Growth Achievement (2004), completing research on economic development strategies, managing grants and contracts, giving dozens of presentations every year, and representing the program to internal and external partners and other interested organization. I also led the water and development research, including my groundbreaking research on water and land use strategies. Accomplishments included:

- Changed state stormwater standards in West Virginia and Tennessee.
- Researched land use development patterns and their impact on water quality, which resulted in two major EPA publications: *Protecting Water Resources with Higher Density Development* and *Protecting Water Resources with Smart Growth*.
- Leveraged NOAA Coastal Community Development program to include smart growth issues, developed and gave a week long training Sea Grant extension agents, and drafted "Waterfront and Coastal Smart Growth Elements."
- Published numerous articles on the water quality benefits of smart growth approaches.

EPA AWARDS: Since 2001, I have received one gold medal, one silver medal, and three bronze medals for outstanding public service.

ICF CONSULTING, Fairfax, Virginia

1998 - 2000**Senior Associate**

Generated new business in the sustainable development sector; analyzed economic, social, and environmental impacts from brownfields redevelopment; and completed legislative and policy analysis on a wide-range of environmental issues, such as brownfields, radon in drinking water, underground injection control wells, and environmental justice.

PRESIDENT'S COUNCIL ON SUSTAINABLE DEVELOPMENT, WASHINGTON, DC

1997 - 1999**Member Liaison and Member of the Environmental Management Task Force**

I ensured equity issues had full representation in the Task Force's recommendations.

THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS, WASHINGTON, DC

1997 - 1998**Planner II**

Worked with WashCOG staff and partners to develop a comprehensive energy efficient policies and programs for local jurisdictions.

PEACE CORPS KAZAKHSTAN, Almaty, Kazakhstan

1994 - 1995

Associate Peace Corps Director—Environment

Developed and implemented first environmental program for Peace Corps, including 1) managing three staff and 12 Volunteers, 2) designed and implemented in-service training programs, NGO institutional development, and grants management, and 3) coordinated with local and national government officials, international funding organizations, Central Asian academic institutions, and local and international NGOs.

ISAR (FORMERLY THE INSTITUTE FOR SOVIET AND AMERICAN RELATIONS)

1993-1994

Central Asian Program Director, Almaty, Kazakhstan

Responsible for all aspects of starting an environmental small grants program funded by U.S. Agency for International Development; including managing four staff, program budget, federal contracts, and coordinating with U.S. AID, U.S. Embassy, and U.S. governmental officials and local non-governmental organizations.

Environmental Program Director, Washington, D.C.

1991 - 1993

Responsible for managing all environmental projects in the former Soviet republics, including developing funding proposals, serving as a technical communications consultant, and giving public and governmental briefings on the environmental situation in the former Soviet Republics.

ORGANIZATION FOR AMERICAN SOVIET EXCHANGES, Washington, D.C.

1989-1991

Developed a directory of Soviet environmental non-governmental organizations.

EDUCATION

Harvard University, Graduate School of Design, Loeb Fellowship in Advanced Environmental Studies, 2012- 2013

Indiana University, School of Public and Environmental Affairs, Bloomington, Indiana

- Masters of Science in Environmental Science, 1997
- Masters of Public Affairs, 1997
- Awarded "Most Outstanding Student" by faculty (1997) and won a first prize in a Fulbright Essay Contest (1996)

Allegheny College, Meadville, Pennsylvania, B.A. History and Political Science, 1988

SELECTED PROFESSIONAL PUBLICATIONS

Richards, Lynn. 2012. *Rural Water Infrastructure Practices*. Planning Magazine, August/September 2012.

Richards, Lynn. 2011. *Aligning Stormwater Goals and Community Goals*. Stormwater: The Journal for Surface Water Quality Professionals. Vol. 12, No. 6.

Richards, Lynn and A. Hall. 2009. *Water Quality Scorecard: Incorporating Green Infrastructure Practices at the Municipal, Neighborhood, and Site Scales*. EPA 231-B09-001.

Richards, Lynn. 2009. Managing Stormwater Runoff: A Green Infrastructure Approach. *Planner's Commissioners Journal*. #73, Winter 09.

Richards, Lynn. 2008. "Water and Density Debate," chapter: *Sustainable Urbanism—Urban Design with Nature*. Doug Farr, John Wiley & Sons, New Jersey.

Richards, Lynn. 2008. "Leading the Horse to Water: How to Fully Engage Local Decision Makers." *National Charrette Institute Best Practices*.

Richards, Lynn and M. Dalbey. 2006. "Creating Great Places: The Critical Role of Citizen Participation." *Community Development: Journal of the Community Development Society*. Vol. 37, Num. 4, Winter 2006.

Richards, Lynn. 2006. "Turning Stormwater Runoff into a Community Amenity." *California Downtown Association*. Volume 16, Issue 3.

Richards, Lynn. 2006. "Development Density Scenarios and their Water Resources Impacts." *US EPA, Nonpoint Source News-Notes Issue #78*, Spring 2006.

Richards, Lynn. 2006. "Turning Stormwater Runoff into a Community Amenity." *Getting Smart!* Volume 9, Issue 5. ICMA: Washington, DC.

Richards, Lynn. 2006. "Now That's Smart!" *SPEAlumni*, Indiana University, Volume 2, Number 1. Spring 2006.

Richards, Lynn. 2006. "Water and the Density Debate." *American Planning Association: Planning Magazine*. June 2006.

Richards, Lynn. 2006. *Protecting Water Resources with Higher Density Development*. EPA 231-R-06-001.

Richards, Lynn. 2004. *Protecting Water Resources with Smart Growth*. EPA 231-R-04-002

Gaffield, S., Goo, R., Richards, L., and Jackson, R. "Public Health of Inadequately Managed Stormwater Runoff." *American Journal of Public Health*, September 2003.

Richards, Lynn. "EPA Study Indicates Concentrated Urban Development is Better for Water Quality." *Watershed and Wet Weather: Technical Bulletin*. Water Environment Federation, Volume 8, Number 1, January 2003.

Richards, Lynn and S. Stein. "SG WATER: Smart Growth Water Assessment Tool for Estimating Runoff." *Conference proceedings for TMDL 2002*, Phoenix, Arizona, November 13-16, 2002.

Richards, Lynn. "Water Quality Benefits of Brownfield Redevelopment, Infill Development, and Other Smart Growth Strategies." *Conference proceedings for Watershed 2002*, Fort Lauderdale, Florida, February 24-27 2002.

Richards, Lynn. "Alternatives to Subsidizing Edge Development: Strategies for Preserving Rural Landscapes." *Terrain.org: A Journal of the Built and Natural Environments*, Issue 10, Fall/Winter 2001.

Richards, Lynn. *Environmental Problems in Kazakhstan*. English language section. United Nations, Almaty, Kazakhstan, 1997.

Richards, Lynn. *Georgia Chapter: Environmental Resources and Constraints in the Former Soviet Republics*. Philip Pryde, editor. Westview Press, 1995.

Richards, Lynn. "In Support of Ordinary Citizens." Cover Story. *Allegheny Magazine*, Meadville, PA. 1994.

In *Surviving Together*, a quarterly journal focusing on relations with the former Soviet Republics:

- "Greening the Globe: The Magic of Electronic Mail." *Surviving Together*, vol 11 issue 4, Winter 1993
- "The Greens of Kyrgyzstan." *Surviving Together*, vol 11 issue 3, Fall 1993.
- "The Azerbaijan Green Movement." *Surviving Together*, vol 11 issue 2, Summer 1993.
- "E-mail Training in Bryansk Extends the Grassroots Network." *Surviving Together*, Winter 1992.

- “Dnepropetrovsk Develops Program to Protect the Environment.” *Surviving Together*, Summer, 1991
- “March 28, 1991: In the Crowd at Pushkin Square.” *Surviving Together*, Spring, 1991.

Richards, Lynn. *Directory of Environmental Groups in the Newly Independent States and in the Baltic Nations (1990-1992)*. Kompass Resources International, Washington, DC, 1992.

MALLORY B.E. BACHES

URBAN DESIGNER AND CIVIC SPECIALIST

1 OF 3

CURRICULUM VITAE

Mallory B.E. Baches A.I.C.P. LEED-AP CNU-A focuses her professional practice on the intersection of planning and community development, exploring the relationship between the quality of physical realm and the strength of civic engagement, involvement, and investment. She excels in helping individuals, groups, organizations, and communities develop expanded civic networks and increase resource cultivation within a strengthened built environment. Mallory is a gifted urban designer, a practiced public speaker, and an accomplished author.

EXPERIENCE

- 2018 - present Program Manager, CONGRESS FOR THE NEW URBANISM Washington, DC
- Leads strategy in Empowering Cities and Towns, supporting member- and organization-led initiatives to respond to the demand for walkable urbanism
 - Directs the Project for Code Reform, an initiative in partnership with MEDC, MML, MPA, and AARP to empower incremental zoning code reform
 - Manages the #NUFuture initiative facilitated by the organization, seeking to refocus the mission of the New Urbanist movement for the next 25 years
 - Leads organization outreach to Local Governments, developing technical assistance and educational opportunities for municipal staff and elected officials
- 2013 - 2018 Founder and Director, THE CIVIC HUB Beaufort, SC
- Guided individuals, groups, and communities to use design principles in the development of civic capacity within their towns and neighborhoods
 - Assessed and supported social capital expansion, increasing civic investment and encouraging social impact through strategic partnerships and initiatives
 - Lead creation of bespoke community outreach services, focused on client mission and local conditions in utilizing a collective impact approach
 - Served as the face and voice of firm practice through facilitation, lecturing, writing, and organizational representation and management
- 2011 - 2013 Executive Director, SEA ISLANDS 2050 Beaufort, SC
- Directed launch of the sustainability advocacy non-profit; implemented the mission, guided vision, and maintained organizational goals and objectives
 - Built strategic partnerships, supported hands-on collaboration, provided public education and initiative advocacy, and led solution implementation strategy
 - Maintained organizational management, oversaw public relations, and balanced fiscal duties with logistical coordination as the chief executive
 - Developed an organizational business plan, including community analysis, operating plan, governance strategy, and outreach planning
- 2007 - 2012 Co-Founder, RIVERVIEW CHARTER SCHOOL Beaufort, SC
- Launched first public charter school in Beaufort County SC currently serving 600 K-8th students with an "Excellent" state school report card rating
 - Helped in writing of school charter, including research of educational philosophy, curriculum themes, organizational approaches, and school culture
 - Collaborated in research, development, and implementation of significant programs and policies reflecting the mission and vision of the school
 - Spearheaded approval of school by local, state, and federal authorizing agencies and facilitated implementation of school operations for opening year
- 2004 - 2011 Co-Founder and Partner, DPZ • PACIFIC Kuala Lumpur, MALAYSIA
- Founded the first Duany Plater-Zyberk & Company affiliate, responding to demand for sustainable planning solutions in fastest-growing region of the world
 - Developed innovation in urban design process and traditional architectural expression, translating best practices for unique international conditions
 - Led firm management, procedural development, and financial oversight; provided public presentations, meeting facilitation, and consultancy support
 - Served as communication and outreach leadership for the firm, providing oversight of publication copy, media strategy, and organizational branding
- 2000 - 2004 Project Manager, DUANY PLATER-ZYBERK & COMPANY Miami, FL
- Delivered schematic architectural design, master planning, site analysis, and coding serving wide ranging project types and client needs
 - Managed project types ranging from greenfield to infill to downtown redevelopment to form-based code to sustainability-based to regional planning
 - Communicated with firm principals, staff, project consultants, vested officials, local community, and client team in delivering a successful project outcome
 - Chronicled principles and practices of firm work through both project publication documentation as well as regular journalistic coverage
- 1999 - 2000 Asst Town Architect, DUANY PLATER-ZYBERK & COMPANY Gaithersburg, MD
- Oversaw the implementation of Kentlands Architectural Code, reviewing builder submissions and coordinating with local planning approval department

MALLORY B.E. BACHES

2 OF 3

EDUCATION

1999	UNIVERSITY OF NOTRE DAME	Bachelor of Architecture
2018	UNIVERSITY OF OXFORD	MSc in Sustainable Urban Development

HONORS

2016	ATLAS COLLABORATIVE FOUNDATION	Trustee
2013	ASSOCIATION FOR COMMUNITY DESIGN	Board Member and former President
2013	NEXT CITY	Vanguard Class of 2013
2011	CONGRESS FOR NEW URBANISM	CNU-A
2006	AMERICAN PLANNING ASSOCIATION	AICP
2004	U.S. GREEN BUILDING COUNCIL	LEED-AP

EXPERTISE

- Urban design, theory, and planning, including the principles and practice of New Urbanism and current planning best practices
- Traditional architectural approach and application across the spectrums of building type and vernacular condition, both national and international
- Sustainability theory and integration into urban design and community development
- Digital medium use and curation, including its integration into design, communication, presentation, and outreach

SELECTED EXPERIENCE

THE CIVIC HUB

In founding The Civic Hub, Mallory's goal is to provide services to citizens and organizations seeking to improve their own communities but unsure of where to begin or without ample resources to do so. Building on her own experiences as a citizen activist, she has developed a series of engagement experiences that respond to a variety of group sizes and initiative scopes, emphasizing collaboration and supporting community building at every level of participation.

RURAL + CRITICAL

Serving as lead organizer of public education and outreach, Mallory worked with the Beaufort County Open Land Trust in campaigning for the 2012 ballot measure seeking re-funding of the Beaufort County Rural and Critical Land Preservation Program. Tasks included program branding and marketing, website development and social media presence, volunteer committee leadership and communication facilitation, community outreach planning and organization, public relations oversight, and news media coverage coordination. The ballot measure was successfully passed, approved by voters by a 2:1 margin.

SEA ISLANDS 2050

As founding Executive Director of Sea Islands 2050, Mallory's oversight included strategic partnerships, hands-on collaboration, public education, and initiative advocacy and implementation on behalf of the start-up sustainability advocacy nonprofit's membership. The role was an opportunity for Mallory to drive policy initiatives that sought broad-based community impact and left her with deep knowledge of local conditions, organizations, institutions, and civic leaders.

RIVERVIEW CHARTER SCHOOL

As a member of the school's Charter Committee, Mallory helped lay the groundwork for what Riverview Charter School is today. Her role gave her experience collaborating with educators, policy makers, fundraisers, legal experts, financial advisors, interested parents, and the community at large. She benefits from in-depth institutional knowledge as a school volunteer, committee member, former board member/ leadership, and parent of a current student.

AWARDS

- 2018 Congress for the New Urbanism *Charter Award* to VILLAGE OF PROVIDENCE, with DPZ CoDESIGN
- 2016 Congress for the New Urbanism *Charter Award* to CIVIC MASTER PLAN, with Metrocology, Inc.
- 2015 American Planning Association - North Carolina *Marvin Collins Planning Award* to BUILD A BETTER BOULEVARD project, with Metrocology, Inc.
- 2014 American Planning Association - South Carolina *Outstanding Planning Award* to CIVIC MASTER PLAN for Beaufort SC, with Metrocology, Inc.
- 2014 National Association of Homebuilders *Community of the Year* to THE VILLAGE OF PROVIDENCE, with DPZ CoDESIGN
- 2006 Homes for NC *Affordable Housing Achievement Project of the Year* to WILLOW OAKS HOPE VI project, with DPZ CoDESIGN

SELECTED URBAN DESIGN

LEAN URBANISM PROJECT, *various cities*, implementation of pilot projects
CHRONICLE MILL, *Belmont NC*, historic preservation adaptive reuse
THE NEXT BIG THING, *Chattanooga TN*, tactical urbanism workshop
BUILD A BETTER BOULEVARD, *Belmont NC*, corridor study
SPRAWL REPAIR, *Beaufort SC*, industrial park incremental redevelopment
VAN DON, *Quang Ninh VIETNAM*, economic development zone masterplan
NATURE CITY, *Abu Dhabi UAE*, competition submittal for new waterfront city
RIPLEY VALLEY, *Queensland AUSTRALIA*, regional plan
PARADISE POINT, *Queensland AUSTRALIA*, masterplan & design manual

SOL SQUARE, *Christchurch NEW ZEALAND*, infill development
LORETO BAY, *Baja California Sur MEXICO*, sustainability-based development
HEART OF PEORIA, *Peoria IL*, downtown redevelopment & form-based code
NEW TOWN ST. CHARLES, *St. Charles MO*, greenfield development
WILLOW OAKS, *Greensboro NC*, Hope VI redevelopment
COCONUT GROVE STREETScape, *Coconut Grove FL*, walkability masterplan
BURTON AREA SECTOR PLAN, *Beaufort SC*, conceptual condition survey
VICKERY, *Atlanta GA*, greenfield neighborhood center development
NAS JAB NEW ORLEANS, *Belle Chasse LA*, military base redevelopment

CHARRETTES

CODE•BREVARD, *Brevard NC*
MORRIS SQUARE, *Charleston SC*
CIVIC MASTER PLAN, *Beaufort SC*
SMARTER STARTER HOUSING, *Beaufort SC*
RIPLEY VALLEY, *Queensland AUSTRALIA*
OCEAN BEACH, *Hawke's Bay NEW ZEALAND*
WEITI, *Auckland NEW ZEALAND*
SWEETWATER NEW CITY MASTERPLAN, *New South Wales AUSTRALIA*
MODENA BEACH/EXCELSA VILLAGE, *Papamoa NEW ZEALAND*
CENTRAL CITY SOUTH, *Christchurch NEW ZEALAND*
NANNING, *Guangxi Province P.R. of CHINA*
MIRADOR, *Marimbula AUSTRALIA*
YAN SHAN NEW TOWNSHIP, *Guilin P.R. of CHINA*
SYDENHAM SQUARE, *Christchurch, NEW ZEALAND*
SOUTH OF LITCHFIELD (SOL), *Christchurch, NEW ZEALAND*
FEC CORRIDOR STUDY, *Miami FL*
LOST RABBIT, *Jackson MS*
LAS LOMAS, *Los Angeles CA*
FIVE MILE, *Queenstown NEW ZEALAND*
SANDY POINT, *Edenton NC*
CRAIG RANCH, *McKinney TX*

LAS COLINAS, *Irving TX*
OWL'S HEAD, *Freeport FL*
JINDEE, *Western Australia AUSTRALIA*
BULACAN TOWNSHIP VILLAGE CENTER, *Manila PHILIPPINES*
DOWNTOWN CORAL GABLES, *Coral Gables FL*
ZHONG YI GARDEN, *Beijing P.R. of CHINA*
OCEANFRONT ASBURY, *Asbury Park NJ*
COCONUT GROVE STREETScape, *Coconut Grove FL*
THE VILLAGE OF PROVIDENCE, *Huntsville AL*
PARRIS ISLAND MARINE BASE, *Beaufort SC*
LA ESTANCIA MIGRANT HOUSING, *Wimauma FL*
LA PRIMAVERA, *Leon MEXICO*
THE COMMONS, *Tysons Corner VA*
PLAYAS DI TIJUANA, *Baja California MEXICO*
CHEROKEE FARMS, *Beaufort SC*
ESCAP, *St. Lucia WEST INDIES*
BUILDER MAGAZINE NAHB MODEL LIVEWORKS, *Atlanta GA*
ANCHOR MILL, *Huntersville NC*
CELADON, *Beaufort SC*
SUNCANA DOLINA, *Mostar BOSNIA-HERZEGOVINA*
HOTEL HEALDSBURG, *Healdsburg CA*

PRESENTATIONS

- 2017 Congress for the New Urbanism CNU.25 202 Workshop, *Beyond the Charrette: Connecting to Communities & Empowering Everyday Citizens*
- 2016 Association for Community Design Swap Meet, *Considering a Hierarchy of Community Needs*
- 2016 Congress for the New Urbanism CNU.24 Open Innovation, *The Art of Entitlement and Loving Where You Live*
- 2016 Congress for the New Urbanism CNU.24 Open Innovation, *Design for Good / Design for Impact*
- 2015 National League of Cities Congress of Cities, *The Art Advantage: Creative Placemaking Strategies for Your City*
- 2012 Growing Power Urban and Small Farms Conference, *Growing an Underlay Food System*

PUBLICATIONS

- 2019 New Urban Research (forthcoming), *Conflicts and Commonalities Between Urban Preservation and Social Sustainability in the Historic City of Bath*



Marina Khoury | RA, LEED AP, CNU-A Partner | DPZ Partners

Marina Khoury is an expert in sustainable urban redevelopment, regional planning, transit-oriented developments, affordable housing and form-based codes. As a partner at DPZ Partners, she has been Director of its Washington D.C. office since 2007. A licensed architect and fluent in several languages, Khoury has worked on the design and implementation of projects in the US, Canada, Europe and the Middle East including ground-breaking new codes around the world that mandate resilient urbanism. She speaks globally widely on issues related to Smart Growth and affordable, sustainable, and walkable communities. Marina is one of 20 members on the Expert Committee of Global Forum on Human Settlements (UNEP-GFHS) International Green Model City (IGMC) Initiative, under the United Nations Environment Programme (UNEP). Marina is also active in Washington area civic groups, including the Congress for the New Urbanism (CNU), where she served as a Board member of the CNU-DC chapter from 2007-2012. She currently serves on the following Boards: Chair of the Executive Board of Smart Growth America's Form-Based Code Institute (FBCI), and Board Member the Center for Applied Transect Study (CATS). She is a member of the New Urban Guild and a LEED Accredited professional. Most recently, Marina spoke at the United Nations in New York, for the 10th anniversary of the Global Forum for Human Settlements.

Education

1992 Master of Architecture,
University of Wisconsin,
Milwaukee

1992 Master of Urban
Planning, University of
Wisconsin, Milwaukee

1989 Bachelor of Science in
Architecture (with honors),
University of Wisconsin,
Milwaukee

1985-88 Ecole Speciale
d'Architecture, Architecture
Program, Paris, France

Affiliations

Form-Based Code Institute,
Chairperson

UN: Global Forum Human
Settlement. IGMC Expert
Committee Member

Lambda Alpha International,
George Washington Chapter,
Member

Center for Applied Transect
Study, Board Member

New Urban Guild, Member

Selected Experience

- Pensacola CRA FBC, Pensacola, FL
- Central Riyadh Redevelopment, KSA
- Sycamore: Suburban Retrofit Plan, Charleston, SC
- Orange County Comprehensive Plan & Zoning Rewrite, FL
- Downtown Bethel TOD Plan and Code, Bethel, CT
- National Kuwait Code, Kuwait
- Perdido Key Master Plan & Code, Perdido Key, FL
- Port au Prince Redvelopment Plan and Code, Port au Prince, Haiti
- Garden District Plan, Edinburgh, Scotland
- Mark Center and Small Area Plan and Code, Alexandria, VA
- Al Ain CBD, Abu Dhabi, UAE - Structure Plan and Code
- Hertfordshire Regional Guide to Growth Plan, Hertfordshire, UK
- River District Redevelopment Plan, Vancouver, Canada
- Miami 21, Miami, FL - Form-Based Code Zoning Rewrite,
- Loreto Bay Resort Town, Baja, Mexico
- Oakville Regional Plan, Ontario, Canada
- New Town St. Charles Master Plan and FBC, St. Charles, MO
- Friday Harbor Resort (formerly Big Bay Point), Inisfill, Ontario, Canada
- Miami-Dade County Agriculture & Rural Area Study, FL
- Westhaven Master Plan, Franklin, TN



Matthew Lambert

Partner | DPZ Partners

Matthew Lambert is a planner, urban designer, and architectural designer, with over 15 years of experience that covers a broad range of project types. He has managed projects for developer, municipal, and institutional clients which include form-based codes, regulatory reform, urban infill and redevelopment, greenfield development, campus redevelopment, and architectural design. Among his project experience, Matthew has focused on regulations and form-based codes, leading code projects and providing code-related education.

Lambert heads DPZ's office in Portland, Oregon, leading projects within the region and across the country. Matthew is active in the Congress for the New Urbanism (CNU), a member of the CNU's Board of Directors and a board member of the Cascadia regional CNU chapter.

Education

2005 Bachelor of Architecture and Computer Science, Magna Cum Laude, University of Miami

Affiliations

Congress for the New Urbanism (CNU), Board of Directors
CNU Cascadia, Board of Directors
Transect Codes Council, Board Member

Selected Experience

- Orange County, FL - Zoning Code Rewrite
- Hot Springs Village, AR - Comprehensive Master Plan and Zoning Code
- Albuquerque, NM - Economic Development-based Infill and Zoning Analysis with Zoning Update Recommendations
- CNU Code Reform Initiative, MI - Zoning Code Reform
- Reinvent Phoenix, AZ - Form-based Code and Master Plans for Transit-oriented Development
- Downtown Mobile, AL - Downtown Master Plan and Form-based Code
- Doña Ana County, NM - Regional Scenario Planning and Comprehensive Plan
- AARP California Strategy Study, CA - Development Pattern Analysis
- Atlanta Regional Commission Aging Forum and Lifelong Communities
- Bawabat Makkah Lands, Makkah, Saudi Arabia - Scenario Planning and Form-based Code
- Hertfordshire Regional Growth Plan, England - Regional Scenario Plan
- Scottish Sustainable Communities Initiative, Scotland - Country-wide Redevelopment and Growth Framework
- Presence Sts. Mary and Elizabeth, Chicago, IL - Medical Campus Redevelopment
- Presence Resurrection Medical Center, Chicago, IL - Medical Campus Redevelopment
- East End Revitalization, Richmond, VA - Medical-initiated Infill Redevelopment

INCREMENTAL CODE REFORM IN THE TOWN OF PALM BEACH

Across the country, local governments are seeking tools and technical support to improve their zoning and other land use codes and ordinances. In many cases, it's because a municipality's regulations make the type of vibrant communities that are attractive places for people to live, work, and play that residents and local leaders are seeking illegal by local ordinance. Too often, the task to reform this disconnect faces insurmountable complexity and expense, as part of an all-or-nothing code replacement approach.

Instead, it is possible to create place-specific, incremental coding changes that address the most problematic barriers to walkability, mixed-use opportunities, legalizing historic structures and places, and thriving public spaces in their communities. This alternative approach focuses on pragmatic and bespoke, "if you do nothing else" types of changes that can be adopted quickly, create public trust and build political will, and ultimately strengthen and create more walkable, prosperous, and vibrant places.

The Town of Palm Beach offers a world-class example of historic buildings and landmarks within an historic street pattern, an example of the quality of existing urbanism that is unquestionably worth protecting. Yet the pressure of economic opportunity, the complexity of existing regulations, and the demands of state and federal requirements threaten the ability of Palm Beach to effectively protect what makes the town unique while encouraging and supporting the best interests of the community.

In response, the [Preserve Palm Beach](#) code reform project has been specifically designed to address the challenges that confront the Town of Palm Beach, drawing on the expertise of internationally-recognized code writing experts, as well as the research and wisdom of experts in the subject areas related to this highly-technical regulatory reform work. The project brings together extraordinary community education and involvement, through an extensive series of symposia, with a customized gradual reform process, through an incremental regulation research, rewrite, and review process, to deliver the first-ever comprehensive incremental code reform process to a municipality.



What is the Congress for the New Urbanism (CNU)?

As a membership-based non-profit, CNU's work for the past 25 years has promoted a more sustainable future for cities and towns in every state. CNU's programs and activities (see <https://www.cnu.org/what-we-do/our-projects>) are geared to both supporting existing and building more compact, walkable communities.

New Urbanism is a planning and development approach based on the principles of how cities and towns had been built for the last several centuries. New Urbanism focuses on protecting and promoting human-scaled urban design: walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces and is defined by the 27 principles in the Charter of the New Urbanism, which were developed to offer alternatives to the placeless and sprawling land use patterns typical of post-WWII development that have been shown to inflict negative economic, health, and environmental impacts on communities.

However, there are hundreds of barriers to planning, designing, building, and enforcing compact, walkable communities. Local codes and ordinances often prohibit it or make cost prohibitive, and local government planning departments and commissions often can't approve these kinds of developments as a result. This is where CNU has focused its work in the Project for Code Reform.

What is the Project for Code Reform (PCR), and why use incremental code reform?

Through its Project for Code Reform research, CNU seeks to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately regulate for more walkable, prosperous, and vibrant places. Preserving Palm Beach will:

- **meet the town planners, mayor and council, and planning commissioners where they are:** politically, financially, and administratively. The Project's incremental approach enables jurisdictions to set their own pace for code changes, allowing them to prioritize their coding efforts, respond to the community's vision and needs, and facilitate greater community learning and understanding.
- **be historic context- and place-sensitive:** The central organizing principle of incremental code reform is to observe and respond to a place's history, current needs, and coming trends. This is not a one-size-fits-all approach; it is a bespoke approach suited to the specific places it serves.
- **enable change, not mandate or guarantee it:** Incremental code reform is code-agnostic, not prescriptive. While there are common principles and time-tested practices that are known to work, the goal is not one set approach but rather a nuanced framework that permits and guides growth and change.
- **respond to trends and needs related to housing, retail landscape, and transportation:** Working incrementally will enable responsiveness to current demands while ensuring support of the essential character of the historic context in which these trends must be accommodated.



How will this process and research support and improve the Town of Palm Beach?

CNU's approach is centered on counteracting the complexity and expense of code reform by focusing on incremental change, instead of an all-or-nothing approach. Integral to our approach is partnering with local organizations and incorporating significant community education and engagement. This lays the foundation for prioritizing reform efforts in connection to community vision, creating code changes that are more likely to succeed in:

- **process improvement:** Preserve Palm Beach will eliminate unneeded, bureaucratic, costly zoning and development review processes for our residents and business owners.
- **user-friendly document:** The code deliverables, compiled into a final document through the Preserve Palm Beach process, will provide a more user-friendly zoning document that does not require a legal entourage to navigate.
- **neighborhood compatibility:** The reformed code that will come out of the Preserve Palm Beach project will require new construction and infill development to be more in keeping with the height, scale, and mass of existing Palm Beach neighborhoods throughout improved zoning standards.
- **design review process:** The recommendations that are delivered through Preserve Palm Beach will serve to improve the efficiency (time) and reduce costs associated with the existing design review processes of ARCOM and LPC.

What are the deliverables for this work, and what will it cost the Town of Palm Beach?

- **a fully researched, communicated, reviewed, and designed reformed zoning code:** through a multi-staged research, education, writing, community feedback, and recommendation refinement process, the Town of Palm Beach will receive the final draft of the Preserving Palm Beach report in a clear and easy to understand layout with coding language, local photography, example illustrations, and identifying iconography as is necessary for conveying the intent and specific code reform recommendations of the outcomes of the project effectively.
- **budget comment:** through a partnership with a non-profit organization, the Town will spend only 25% of a comparable, market rate exercise.



TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Appeals

Agenda Title

Appeal of September 14, 2019 ARCOM Staff Approval for Tow Away Signs

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated October 31, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Letter Dated September 24, 2019 from Amanda Quirke Hand, P.A.**
- ▣ **Exhibits to Letter from Amanda Quirke Hand, P.A.**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Joshua Martin, Director of Planning, Zoning & Building

RE: Appeal of September 14, 2019 ARCOM Staff Approval of Tow Away Signs

DATE: October 31, 2019

STAFF RECOMMENDATION

Planning, Zoning, and Building (PZB) Staff received an Administrative Appeal regarding 1236 South Ocean Boulevard on September 24, 2019. The Administrative Appeal focuses on the following matters:

- Section 134-2410 Prohibits the Illegal Signs;
- The Illegal Signs Are Not Eligible for ARCOM Staff Approval;
- Section 134-2373(5) Prohibits the Illegal Signs;
- There is NO Section of the Town Code that Permits the Illegal Signs;
- The Application Does Not meet the Requirements of Chapter 18;
- The September 14th ARCOM Staff Approval is Not Consistent with the Application or the Sketch; and
- The Illegal Signs Do Not Meet the Criteria of Section 18-205.

Staff recommends that Town Council consider this appeal accordingly.

CC: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney

September 24, 2019

**VIA HAND DELIVERY AND
ELECTRONIC MAIL**

Town Clerk
360 S. County Rd.
Palm Beach, FL 33480
townclerk@townofpalmbeach.com

Josh Martin
Director, Planning, Building and Zoning
Department
jmartin@townofpalmbeach.com

Wayne Bergman
Assistant Director/ Building Official
wbergman@townofpalmbeach.com

Paul Castro
Zoning Administrator
pcastro@townofpalmbeach.com

John "Skip" Randolph
Town Attorney
jrandolph@jonesfoster.com

Re: Appeal of September 14, 2019 ARCOM staff approval for Town Away Signs

Dear Madame Clerk, Messrs. Martin, Bergman, Castro, and Randolph:

This Firm represents 100 Emerald Beach Way LC ("100 EBW"). John and Margaret Thornton ("Thorntons") applied for ARCOM staff approval for 15¹ tow-away signs on Emerald Beach Way (the "Illegal Signs.") On August 7, 2019, the Thorntons applied for "10 tow away signs around the boundaries of Emerald Beach Way." (the "Application².") The Application was initialed for ARCOM staff approval by Josh Martin on September 14, 2019. The Thorntons submitted a sketch that shows "the red dots show the location of each sign" (the "Sketch"), which shows 15 tow away signs. The

¹ It is unclear how many signs have been applied for or approved. The Application is for 10 signs, the drawing with Josh Martin's initials has 15 signs, and the building permit notes are for 17 tow away signs.

² The Application, Sketch, and September 14 ARCOM Staff Approval are collectively attached as Ex. A. z

Sketch was initialed for ARCOM staff approval by Josh Martin on September 14, 2019. Then, the building permit system says the permit description is “staff approval to install seventeen tow away signs around boundaries of Emerald Beach Way.” (the “September 14 ARCOM Staff Approval”) This is an appeal pursuant to Section 18-177 (the “Appeal”) of the September 14 ARCOM Staff Approval.

Section 134-2410 Prohibits the Illegal Signs

Section 134-2410 “Tow-away signs” specifically prohibits tow-away signs on “private property appurtenant to or obviously a part of a single-family residence.” All lots on Emerald Beach Way, as well as all lots to the North and South, are designated R-AA Large Estate Residential. “This district is located to protect and preserve existing development of estate character.” Section 134-786.

The September 14 ARCOM Staff Approval is for at least 10 tow away signs on Emerald Beach Way, which is a 300-foot platted private street. These signs are placed on Emerald Beach Way, in the R-AA large estate residential. Some of the signs are nearly touching the gates of 100 Emerald Beach Way- a large oceanfront estate. Therefore, the Illegal Signs are specifically prohibited by Section 134-2410 because they are on “private property appurtenant to or obviously a part of a single-family residence.”

In fact, on March 26, 2019, at Skip Randolph’s request, a lawyer at Mr. Randolph’s firm prepared a memorandum concluding that Town code section 134-2410 “would preclude the Thornton’s from placing the allegedly illegal tow-away signs on their property.” Further, the attorney opined that “it is appropriate for the Town to prohibit such signs, as there is a specific remedy for the property owner without the need for posting, as the Town’s Ordinance uses the exact language set forth in Florida Statute 715.07, which states tow-away signs shall not be allowed on property appurtenant to or obviously a part of a single-family residence.” (Ex. B)

Therefore, Town Attorney Randolph advised Town code enforcement staff:

Pursuant to further research and upon conferring with Paul Castro, the Town takes the position that these tow-away signs referenced in CE 19-114 are in violation of Section 134-2410 of the Town’s Code. Therefore, I am providing this direction to allow this case to proceed as initially presented. (Ex. C)

The Illegal Signs are practically touching the entrance gate of the single-family oceanfront estate at 100 Emerald Beach Way, and therefore, the Illegal Signs are prohibited by Section 134-2410. Furthermore, the Illegal Signs are obviously a part of a single-family residence at 200 Emerald Beach Way. In fact, the Thorntons have argued that 200 Emerald Beach Way is part of the 1236 South Ocean Boulevard single family residence.

TIM HANLON: As you can see, it's very, very close to the main residence, and there's complete access from the residence to the tennis courts. There may be a separate easement and access point from the courts and the parking area to South Ocean Boulevard, but they're completely one parcel. And we have submitted the unity of title as part of our presentation

materials to confirm that. So legally they are one and the same parcel. **Very important.** ARCOM March 27, 2019, p. 21 L: 7-16 (Ex. D) (emphasis supplied)

The Town has also taken the same position:

MR. CASTRO: I don't know a situation like that, no, but it's all part of the same lot. It's all tied together by unity of title. It's all one large estate that we consider one lot. Town Council March 19, 2019, p. 40, L:13-16 (Ex. E)

The Thorntons and the Town cannot argue that 200 Emerald Beach Way is obviously a part of the 1236 South Ocean Boulevard single family residence in support of its position that Tennis Court Complex at 200 Emerald Beach Way are “accessory” to the single family residence, and then argue that 200 Emerald Beach Way is not obviously part of a single family residence to avoid the Section 134-2410 prohibition on the placement of the Illegal Signs on R-AA single family estate property.

Therefore, this Appeal must be GRANTED and the September 14 ARCOM Staff Approval revoked.

The Illegal Signs Are Not Eligible for ARCOM Staff Approval

The Town Sign Code makes a distinction between approval by the “Architectural Commission” and the “architectural commission review process.” Section 134-2410 requires approval by the *Architectural Commission*.

In addition, all tow-away signs shall be uniform in appearance as approved by the town's Architectural Commission.

On the contrary, Section 134-2373(7) and (8) state that the following signs can be approved by the “architectural review commission review process”:

- (a) Identification of sale or rental signs for single family dwellings, two-family dwellings and multi-family dwellings permitted in R or commercial districts;
- (b) Temporary political signs or other temporary noncommercial signs in R or commercial districts;
- (c) Development signs;
- (d) Artisan signs;
- (e) Menu signs in commercial districts; or
- (f) Temporary display signs in commercial districts.

Furthermore, since the Illegal Signs defeat the purposes and objectives of this article, ARCOM staff approval may not be granted for the Illegal Signs. Section 18-175(c). In fact, John Lindgren testified on September 11, 2019 before the Town Council that ARCOM staff approval would not be appropriate for anything that would “have any kind of adverse impact on a neighbor.”

MR. LINDGREN: No, sir. That's not part of the process of administrative or staff approvals. They're usually things that are so minor that they're not going to affect other folks. If I think that there's going to be an adverse impact on someone, then I won't -- I wouldn't do that administratively. I no longer -- The director now does the administrative approvals. That began at the end of June of this year. But neither one of us would approve something that we thought would have any kind of adverse impact on a neighbor. (Ex. F)

It is well known that 100 EBW strenuously objects to the Illegal Signs, and the Illegal Signs are nearly touching the entrance gate of 100 EBW. The Town Council held a hearing on a previous version of the signs on August 14, 2019. Unbeknownst to 100 EBW or the members of the Town Council, the Thorntons had already applied for this version of the Illegal Signs on August 7, 2019. It is outrageous that the Thorntons failed to inform the Town Council that they had submitted another application for another version of the Illegal Signs – which are still illegal – on August 14, 2019 when the Town Council held a hearing regarding a previous and also illegal version of the Illegal Signs.

If the application had gone to the ARCOM board, it may have not been approved. At the March 27, 2019 ARCOM hearing regarding the tennis courts, Board Member Floersheimer sua sponte raised the tow-away signs:

[I]t harkens back to making Palm Beach beautiful and attractive and preserving it for all residents...when I drove onto Emerald Beach Way yesterday, I noticed 20 signs that say no parking. And that, I think, also is excessive and doesn't add to the beauty of Palm Beach. Transcript at 94-95. (Ex. D)

Since Section 134-2410 specifically requires approval by the Architectural Commission, Section 18-175(c) prohibits staff approval, and the Town has actual knowledge of the fervent objection of 100 EBW to the Illegal Signs, the Illegal Signs are not eligible for ARCOM staff approval. Therefore, this appeal must be granted.

Section 134-2373(5) Prohibits the Illegal Signs

Section 134-2373(5) prohibits any sign other than an official traffic sign erected by a government agency within the right of way lines of any street.

No sign other than an official traffic sign erected by the town, Palm Beach County, the State of Florida, the United States government and/or any agency thereof shall be erected within the right-of-way lines of any street or public way, nor shall any sign or banner be hung on, from, or beneath any canopy, awning or marquee. 134-2373(5)

Josh Martin previously found that Section 134-2373(5) prohibits the placement of signs within the right of way lines of Emerald Beach Way. (Ex. G) He stated that he originally issued ARCOM Staff approval for illegal signs within the rights of way of Emerald Beach Way because he believed that the Section 134-2373(5) prohibition only applied to public streets. However, he reviewed the definition of streets set forth in Section 134-2 and found that the Section 134-2373(5) prohibition applied on both public and private streets. Therefore, he advised the Town Council that a permit should not be issued for signs within the right of way lines of Emerald Beach Way.

Street means a facility, either public or private, that affords the primary access to abutting property and that is intended for general traffic circulation. A street includes the entire area between street lines (right-of-way lines), including provisions for culs-de-sac. 134-2

At the August 14, 2019 Town Council hearing, the Town Council denied 100 EBW's appeal on the basis that Emerald Beach Way is not a street because it is private and thus not intended for general traffic circulation.

The Town Council's finding is contrary to both (a) the express language of the plat; and (b) the express language of the Section 134-2 definition of street. Pursuant to the Replat of the Replat of the Emerald, Plat Book 45 Pg 177, Emerald Beach Way is "hereby dedicated as a private street for ingress and egress to the residents of this subdivision and for construction and maintenance of utilities and drainage." (Ex. H) The nature of all private streets is that access is limited. However, Emerald Beach Way is specifically called a "private street" on the plat itself.

In addition, Section 134-2 specifically includes private streets within the definition of street. In fact, Section 110-68 requires that all lots in the Town of Palm Beach "shall abut a public or private street for the required minimum lot width for the zoning district where the lots are located." The word "private" in the Section 134-2 definition of street would be meaningless if all private streets were excluded because there is a limitation on access. The plain meaning of "general traffic circulation" is that it is intended for vehicles, service vehicles, mail, garbage, etc.

Consistent with Planning and Zoning Director's July 9, 2019 determination, the Illegal Signs within the right-of-way lines of Emerald Beach Way are prohibited by Section 134-2373(5). Therefore, this Appeal should be granted.

There is NO Section of the Town Code that Permits the Illegal Signs

While Section 134-2410 and 134-2372(5) prohibit the Illegal Signs, the Illegal Signs are also prohibited because all signs not specifically authorized by the Town Sign Code are prohibited.

Sec. 134-2372. - Compliance; substitution, and severability.

(1) *Compliance.* Signs may be erected and maintained only as authorized and when in compliance with the provisions of this article and other applicable town ordinances. All

signs are subject to the Florida Building Code and Fire Prevention Code. Signs that are not specifically permitted by this division are prohibited.

There is no section in the Town of Palm Beach code that permits the Illegal Signs. This is consistent with the previous determination by Paul Castro, that there is no provision in the code that would permit the Illegal Signs even if they said something else like “no parking.” (Ex. I) The Thorntons must point to a specific provision of the Town Sign Code (Section 134-2171 et. Seq.) that permits the Illegal Signs. Since there is no provision that specifically permits the Illegal Signs, the Illegal Signs are prohibited by Section 134-2372(1) and this Appeal must be granted.

The Application Does Not meet Requirements of Chapter 18

The Application does not meet the requirements of Chapter 18, because it does not include photographs or necessary information on the site plan to support a finding of compliance with the Code.

Section 18-202 requires photographs of the facades of adjacent buildings and structures 200 feet in both directions of the proposed structure.

Sec. 18-202. - Notice; photographs.

An applicant for a building permit shall comply with the following:

- (3) The applicant shall provide digitized color photographs of the facades facing public or private way (alleys not included) of the adjacent buildings or structures 200 feet in either direction from the proposed construction on both sides of the public or private way (alleys not included). Photos shall measure at least 4 inches × 6 inches.

This is particularly important in this case. The Sketch that is attached to the September 14 ARCOM Staff Approval does not include the properties that actually abut Emerald Beach Way, which are undeniably offended by the Illegal Signs. Photographs would show the obvious incompatibility of placing 10-17 Illegal Signs on the 300-foot private street known as Emerald Beach Way, in the R-AA large estate residential district.

Furthermore, the site plan is deficient.

Sec. 18-207. - Site plans.

(a) A site plan shall be illustrated to scale and shall sufficiently indicate the following for consideration of visual, safety and economic factors:

- (1) Dimensions and orientation of the parcel;
- (14) Such other architectural and engineering data as may be required to permit necessary findings that the provisions of this Code are being complied with.

Again, the Site Plan is deficient because it does not include the portions of the abutting residential estates which are adversely affected by the placement of the Illegal Signs on the only access to 100 EBW. Excluding the abutting residential estates is intentional, because it would show the gross incompatibility with the code criteria and would preclude approval of the Illegal Signs.

Since the Application does not meet the criteria of Chapter 18, the Appeal must be granted.

The September 14 ARCOM Staff Approval is Not Consistent with the Application

The Application is to “Install ten tow away signs around the boundaries of Emerald Beach Way.” The Sketch of the “red dots show the location of each sign” includes 15 Illegal Signs. The building permit system notes is for “Staff Approval to Install Seventeen Tow Away Signs Around Boundaries of Emerald Beach Way.” (Ex. A)

So, how many Illegal Signs were purported approved by the September 14 ARCOM Staff Approval? 10? 15? 17? What are the approved locations?

The September 14 ARCOM Staff Approval contradicts the Application and its attachments, and it is absolutely unclear as to the number and location of Illegal Signs that were purportedly approved. Therefore, this Appeal must be granted.

The Illegal Signs Do Not Meet the Section 18-205 Criteria for Approval

Sec. 18-205. - Criteria for building permit.

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

Objection: The Illegal Signs are not in conformity with good taste and design and do not contribute to the image of the Town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

This is stated best by Councilwoman Araskog, who called the placement of the previous version of the signs “horrible looking” and atrocious on August 14, 2019. Aug. 14, 2019 Transcript, Tr. P. 17 L: 13, p. 79 L:14-16.

Again, ARCOM Board Member Floersheimer even sua sponte raised the tow-away signs:

[I]t harkens back to making Palm Beach beautiful and attractive and preserving it for all residents...when I drove onto Emerald Beach Way yesterday, I noticed 20 signs that say no parking. And that, I think, also is excessive and doesn't add to the beauty of Palm Beach. Transcript at 94-95.

The placement of 10-17 Illegal Signs on a 300-foot private street that is used to access three single family residences in the R-AA large estate residential zoning district does not contribute to the image of the Town as a place of beauty and taste. It has already been stated publicly by members of the Town Council and ARCOM.

- (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.**

Objection: The placement of 10-17 Illegal Signs on metal poles in the R-AA large estate residential district cause the local environment to materially depreciate in appearance and value. Again, this is a 300-foot private street solely for the access to three single family residential estates. The Illegal Signs are actually designed to materially depreciate the environment in appearance and value, where the proposed placement flanks the entrance gates of 100 EBW.

- (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.**

Objection: Undersigned counsel has not located any other private street with such obnoxious and inappropriate signage as the proposed 10-17 Illegal Signs on Emerald Beach Way. There are many private streets in Palm Beach, and none of them have proposed to degrade the visual environment in this manner, in contravention of the provision and intent of the Code.

- (8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).**

Objection: Emerald Beach Way is a private platted street used to access three large estate residential homes, including 100 EBW. The placement of 10-17 Illegal Signs on a 300-foot private street can only be for the intention of degrading the visual environment the adversely impacting the beauty and aesthetic of Emerald Beach Way and 100 EBW. The placement of Illegal Signs flanking the entrance gate of 100 EBW is absolutely ridiculous and unnecessary and is in contravention of the provisions and intent of the Town Sign Code.

- (9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.**

Objection: As stated herein, the Illegal Signs are specifically prohibited by Section 134-2410 and 134-2473(5). In addition, the Illegal Signs are prohibited because they are not specifically permitted by any section of the Town Sign Code (Section 134-2372(1)). The Illegal Signs are also in contravention of intent of the Town Sign Code:

Sec. 134-2371. - Statement of findings and purpose.

The town council has found that Palm Beach is internationally known and has become a worldwide synonym for beauty, quality and value and that a proliferation of signs without regulations as to size, location and material detracts from such beauty, can become a visual blight. Signs, particularly if placed in rights-of-way, can create distractions for drivers impacting the safety and welfare of pedestrians and drivers and further create an aesthetically unpleasant atmosphere.

The town council has found that this Code is required to regulate signs as provided by F.S. § 163.3202(2)(f). The town council does not wish to censor speech but does wish to provide for the public welfare by **regulating signage in the town in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interest of traffic safety. (emphasis supplied).**

There can be no dispute that the placement of 10-17 Illegal Signs on a 300-foot private street serving large residential estate homes is inconsistent with Section 134-2171. The Illegal Signs have an adverse effect on beauty, quality, value, and creates a visual blight. Illegal Signs within the right-of-way of Emerald Beach Way create an aesthetically unpleasant atmosphere and contributes to the distraction of drivers. The Town of Palm Beach is a synonym for beauty, quality, and value, and the Illegal Signs are the exact opposite- the Illegal Signs are atrocious, numerous, obnoxious, and tacky.

Conclusion

The Application was prepared by the Applicants one week before the Town Council heard the appeal regarding the previous version of the Illegal Signs. However, the Town Council was not advised of the Application. The Appeal must be granted for **any or all** of the following reasons:

1. The Illegal Signs are prohibited by Section 134-2410
2. The Illegal Signs cannot be approved by ARCOM staff
3. The Illegal Signs are prohibited by Section 134-2373(5)
4. There is no section of the Town Sign Code that permits the Illegal Signs
5. The Application does not meet the requirements of Chapter 18
6. The September 14 ARCOM Staff Approval is Not Consistent with the Application or the Sketch
7. The Illegal Signs Do Not Meet the Criteria of Section 18-205

100 EBW has outstanding public records requests and is currently reviewing documents provided by the Town of Palm Beach within the past 2 weeks. Therefore, 100 EBW reserves the right to supplement this Appeal prior to hearing by the Town Council. Furthermore, Section 18-177 suspends the building permit until ruling by the Town Council. As Councilwoman Araskog stated at the August 14, 2019 meeting, the signs are “horrible looking” and “atrocious.” Therefore, this Appeal pursuant to Section 18-177 must be granted.

Please govern yourselves accordingly.

LEHTINEN SCHULTZ PLLC

By: /s/ Amanda Quirke Hand
Amanda Quirke Hand, P.A.



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects, eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by Check payable to the Town of Palm Beach or by cash or credit card in Town Hall during business hours of 8:30am and 4:30pm Monday thru Friday. If the subject property is a Landmark the fee is \$150.00, all others are \$200.00.

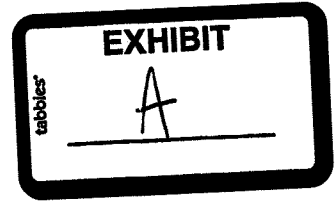
Application Type: ☐ LPC Staff Approval \$150.00 ☒ ARCOM Staff Approval \$200.00

DATE: 8/7/19

MASTER PERMIT#: STAFF APPROVAL PERMIT#:

- I. PROJECT ADDRESS: 1236 South Ocean Blvd., Palm Beach, FL 33480
- II. DESCRIPTION OF REQUEST Please include a comprehensive summarized description of the proposed project (attach a separate sheet, if needed):
Install ten low away signs around boundaries of Emerald Beach Way. To fully comply with Section 715.07, Florida Statutes, the signs and locations have been modified slightly from the versions approved on April 16, 2019 in Permit # 19-0043.
- III. BUSINESS NAME/TENANT INFORMATION (for commercial properties only): N/A
Phone number: Email address:
- IV. DESIGN PROFESSIONAL NAME AND CONTACT INFORMATION:
Name of Professional: Dustin Mizell / Environment Design Group License #: RLA #6666784
Phone number: 15611 832-4600 Email address: dustin@environmentdesigngroup.com
- V. CONTRACTOR NAME AND CONTACT INFORMATION:
Construction Company: N/A
Phone number: Email address:
- VI. PROPERTY OWNER/AGENT NAME AND CONTACT INFORMATION:
Property Owner's Name: John Thornton and Margaret Thornton
Owner's Address (if different from Subject Address) c/o M. Timothy Hanlon, 340 Royal Palms Way, Suite 321, Palm Beach, FL 33480
Phone number: 15611 459-1770 Email address: jth.hanlon@aaml.com
- VII. Applicant Signature: M. Timothy Hanlon Date: 8/7/19
(Printed name) M. Timothy Hanlon Title: Attorney and Agent

ZONING APPLICATIONS
APPROVAL DATE: 14 SEPTEMBER 2019
CONDITIONS OF APPROVAL:
None
SIGNATURE: [Signature]



TOWN OF PALM BEACH
Planning, Zoning & Building Department
340 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com
361-838-5431

NEW PROCEDURE!

CHECKLIST FOR APPLICATION FOR STAFF APPROVAL

Both the Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

EXAMPLES of some types of projects that may be Staff Approved include the following:

Signs (business identification signs)	Landscaping	Fences
Shutters	Roof changes	Window/Door fenestration changes
Pavers/decks/driveways	Awnings	

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by Check payable to the Town of Palm Beach or by cash or credit card in Town Hall during business hours of 8:30am and 4:00pm Monday thru Friday. Fees are as follows:

Application Type: _____ LPC Staff Approval \$150.00 _____ ARCOM Staff Approval \$200.00

IMPORTANT NOTE: Please remember that the STAFF APPROVAL PERMIT is only Step 1 in the permitting process! Additional permits and fees may be required. If Staff determines the scope of your project must be heard before the Commission, Staff will advise how to proceed.

TO SUBMIT AN APPLICATION FOR STAFF APPROVAL:

- Submit your application and plans (no larger than 11x17) in person during PB hours of 8:30-400 M-F. Payment may be made by check (payable to Town of Palm Beach), cash or credit card (a convenience fee of 2.24% will be added).

STAFF APPROVAL
ZONING APPLICATION # _____
APPROVAL DATE _____
COMMISSIONER _____
11/27/2018

[illegible]

170.00' 1188.36'56" W

STAFF

MAJ. J. E. (P.B.)

602509

CONC. 0.7'S.

CONC. WALK

SOUTH WALL FACE 0.1' N.

-5/8" WSC

NEW KEY

PAD 1.2'E.

WALL CORNER 0.2"W.

55

Sign Id: 18"
Height: 24"
Legend & Border:
Background:
EGP Reflective
.040 aluminum Panel

**STATE
APPROVAL**

ZONING APPLICATION NO. _____
APPROVED BY _____
CONDITIONS OF APPROVAL _____
DATE _____
SIGNATURE _____

Copyright 2013 SAC
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law per Florida Statutes.

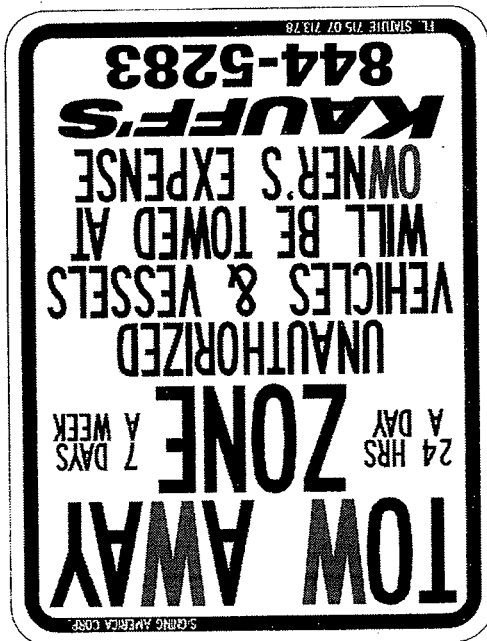
Info	Customer:
	Name:
	Ph:
	Fax:
	E-mail:

Details

Special instructions:

Approval

Approved By: _____
Signature: _____
Date: _____



TOWN OF PALM BEACH FLORIDA

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▲ [Permits and Inspections: Actions](#)

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A-19-00662



Applied 09/16/2019
Approved 09/16/2019

Issued

Final

Expires

09/16/2019 09/10/2020

Type **A-ARCOM STAFF APPROVAL**

Status **final**

Permit Description

Permit Address **1236 S OCEAN BLVD PALM BEACH FL 33480**

STAFF APPROVAL TO INSTALL SEVENTEEN TOW AWAY SIGNS AROUND BOUNDARIES OF EMERALD BEACH WAY. TO FULLY COMPLY WITH SECTION 715.07 FLORIDA STATUTES, THE SIGNS AND LOCATIONS HAVE BEEN MODIFIED SLIGHTLY FROM THE VERSIONS APPROVED ON APRIL 16,2019 IN PERMIT A-19-00433.

Applicant **ALLEY MAASS ROGERS AND LINDSAY PA Owner**

Owner **THORNTON JOHN L &**

Viewing **Actions** ▼

<-- Select the information you would like to view.

Group	Action	Approver	Start Date	Comp'd Date	Comp'd Code	Comment
BB-COUNTER	A- APPLICATION INTAKE	msentmanat		09/16/2019	Complete	
BB-CASHIER	PAYMENT PROCESSING - INTAKE	iwebuser		09/16/2019		
BA-ARCOM/LPC-STAFF APPROVAL	PLAN REVIEW - ARCOM/LPC COMPLIANCE	jmartin		09/14/2019	Approved	

Amanda Quirke

From: Randolph, John C. <JRandolph@jonesfoster.com>
Sent: Tuesday, March 26, 2019 3:46 PM
To: Gavigan, James C.
Subject: Tow Away Signs on Private Property
Attachments: 1XA8351-jcg re tow away signs on private property.DOCX; TPB Ordinance re Tow-away signs.pdf; Advisory Legal Opinion - Police enforcement of ordinances on private property.pdf

Jamie,

Could you please research to see whether there are any additional Attorney General's opinions which would define whether or not the Town is pre-empted from prohibiting these no parking tow away signs from private property.

Thank you.

John C. Randolph

Attorney
Jones Foster P.A.

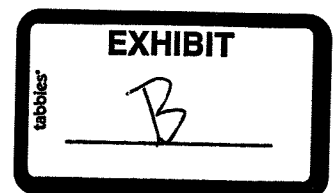
561 650 0458 – D
561 650 5300 – F
561 659 3000 – O

jrandolph@jonesfoster.com

J O N E S F O S T E R

Flagler Center Tower
505 South Flagler Drive, Suite 1100
West Palm Beach, Florida 33401
jonesfoster.com

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Memo

To: Jamie Gavigan
From: John C. Randolph
Date: July 1, 2019
Subject: Tow Away Signs on Private Property

I have been asked to opine as to whether Florida State Statute 715.07 relating to vehicles parked on private property; towing, preempts the Town from adopting an ordinance which would preclude tow away signs on private property as provided in Section 134-2410, which provides, in part, as follows:

“Tow-away signs shall not be allowed on private property appurtenant to or obviously part of a single-family residence. Tow-away signs for two-family, townhouse, multi-family, and institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the town's Architectural Commission. Tow-away signs on state, county and municipal governmental property shall also meet these requirements. A building permit shall be required for a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's Code of Ordinances.”

All tow away signs which become non-conforming as a result of the adoption of this Section of the Code shall be removed and replaced to come into compliance with this Section of the Code by January 1, 2019, or said sign shall be in violation of the Town's Code of Ordinances.

It appears that this Ordinance would preclude the Thornton's from placing the allegedly illegal tow away signs on their property.

Florida Statute 715.07 provides that the owner of a property on which a vehicle is parked without the owner's position, may cause the vehicle to be removed by a person regularly engaged in the business of towing vehicles, without liability for the cost of removal, transportation, or storage, or damages caused by such removal under certain circumstances. The statute requires posting as set forth in the allegedly offending signs, but does allow a property owner to give personal notice to the owner in control of the vehicle that the vehicle is subject to being removed at the owner's or operator's expense and, except for property appurtenant to and obviously a part of a single-family residence to do so without posting.

E S T .
1 9 2 4

Therefore, based upon this exception, I believe it is appropriate for the Town to prohibit such signs, as there is a specific remedy for the property owner without the need for posting, as the Town's Ordinance uses the exact language set forth in Florida Statute 715.07, which states, tow away signs shall not be allowed on property appurtenant to or obviously a part of a single-family residence.

On this basis, I believe the Town has a right to determine that the posted signs are illegal and can move forward with a citation or through code enforcement to attempt to remove the signs.

JCR/jcl

P:\DOCS\13156\00008\MEM\1XA8351.DOCX

Florida Attorney General Advisory Legal Opinion

Number: AGO 96-53

Date: July 12, 1996

Subject: Police enforcement of ordinances on private property

Mr. Michael S. Davis
St. Petersburg City Attorney
Post Office Box 2842
St. Petersburg, Florida 33731

RE: MUNICIPALITIES--ORDINANCES--LAW ENFORCEMENT OFFICERS--PRIVATE
PROPERTY--enforcement of municipal ordinances on private residential
property by municipal law enforcement officers. ss. 316.006, 316.008, Fla.
Stat.

Dear Mr. Davis:

You have asked for my opinion on substantially the following question:

Does Chapter 316, Florida Statutes, authorize a municipal police officer
or parking enforcement specialist to issue a traffic citation for vehicles
parked on private residential property (including, but not limited to, a
private residential lawn) in violation of municipal ordinance?

In sum:

A municipal police officer or parking enforcement specialist does not have
the authority under Chapter 316, Florida Statutes, to issue a traffic
citation for vehicles parked on private residential property in violation
of municipal ordinance since such property is not a thoroughfare or street
upon which the public has a right to travel by motor vehicle. However,
vehicles improperly parked on private residential property which has been
posted may be towed from that property at the property owner's or lessee's
request pursuant to section 715.07, Florida Statutes, and a lien imposed
for towing and storage under section 713.78, Florida Statutes.
Unauthorized vehicles may be towed from single-family residential property
at the owner's request and the property need not be posted pursuant to
section 715.07, Florida Statutes.

According to your letter, the City of St. Petersburg is experiencing
problems with people parking on residential lawns in violation of a city
ordinance. This is a particular problem for single-family residential
property owners and has prompted your opinion request.

The Florida Uniform Traffic Control Law, Chapter 316, Florida Statutes,
was enacted "to make uniform traffic laws to apply throughout the state
and its several counties and uniform traffic ordinances to apply in all

municipalities." [1] In order to ensure that the provisions of Chapter 316, Florida Statutes, are given uniform application throughout the state, section 316.002, Florida Statutes, provides that "[i]t is unlawful for any local authority to pass or to attempt to enforce any ordinance in conflict with the provisions of this chapter." [2]

However, section 316.002, Florida Statutes, expressly states:

"The Legislature recognizes that there are conditions which require municipalities to pass certain other traffic ordinances in regulation of municipal traffic that are not required to regulate the movement of traffic outside of such municipalities. Section 316.008 enumerates the area within which municipalities may control certain traffic movement or parking in their respective jurisdictions."

Thus, section 316.008(1), Florida Statutes, recognizes that the provisions of Chapter 316 do not prevent local authorities from "[r]egulating or prohibiting stopping, standing, or parking" on streets and highways under their jurisdiction.

This office has stated that the provisions in Chapter 316, Florida Statutes, are enforceable on private property only if the public may travel by motor vehicle on such property. [3] This conclusion is based on section 316.640, Florida Statutes, which provides, in part, that municipalities must enforce state traffic laws on all municipal streets and highways "wherever the public has the right to travel by motor vehicle."

It is the availability of the area or place for travel and the right of general and common use which makes certain private property subject to public control pursuant to Chapter 316, Florida Statutes. Thus, this office has determined that municipalities have enforcement authority with respect to traffic violations and accidents occurring in shopping centers and parking lots which are considered to be "streets and highways" upon which the public has the right to travel by motor vehicle. [4] However, no authority to enforce Chapter 316, Florida Statutes, exists on private residential property which may not be used by the public for motor vehicle traffic. [5]

You have specifically cited section 316.1945(3), Florida Statutes, as authority for your assertion that a municipal police officer may enforce an ordinance prohibiting vehicle parking on private residential property such as lawns. The statute provides that:

"A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this section or a municipal or county ordinance may:

- (a) Issue a ticket form as may be used by a political subdivision or municipality to the driver; or
- (b) If the vehicle is unattended, attach such ticket to the vehicle in a conspicuous place, except that the uniform traffic citation prepared by the department pursuant to s. 316.650 may not be issued by being attached to an unattended vehicle."

The statute also provides that "[t]he uniform traffic citation prepared by the department pursuant to s. 316.650 may not be issued for violation of a municipal or county parking ordinance." The statutory section specifically prohibits stopping, standing, or parking in particular places such as on a crosswalk or in an intersection. [6]

Thus, to the extent that a municipality or county has adopted an ordinance regulating parking on a publicly traveled street or highway, a municipal police officer may ticket a vehicle not in compliance with the local regulation. Such was the case in Attorney General's Opinion 83-86 in which this office concluded that a municipality was authorized to enact an ordinance allowing pest control vehicles exceeding 10,000 pounds which could not enter residential driveways without damaging the driveways to make temporary stops on city streets for purposes of performing pest control services on the adjacent residential properties from such vehicle. As was noted in that opinion, section 316.008(1), Florida Statutes, authorizes a municipality, within the reasonable exercise of the police power, to regulate or prohibit "stopping, standing, or parking" on streets and highways under its jurisdiction. [7] It is these local regulations which section 316.1945(3), Florida Statutes, authorizes a police officer or parking enforcement specialist to enforce.

Therefore, it is my opinion that a municipal police officer or parking enforcement specialist does not have the authority under Chapter 316, Florida Statutes, to issue a traffic citation for vehicles parked on private residential property in violation of municipal ordinance unless the public has a right to travel by motor vehicle on such property.

However, I would note that section 715.07, Florida Statutes, authorizes the owners of private property upon which vehicles have been parked without permission to have these vehicles towed from their property. Section 713.78, Florida Statutes, recognizes that a lien for towing and storage services may be imposed against the vehicle by the towing company for these services.

Section 715.07, Florida Statutes, authorizes

"[t]he owner or lessee of real property . . . [to] cause any vehicle parked on such property without his permission to be removed by a person regularly engaged in the business of towing vehicles, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage[.]" [8]

The statute imposes certain requirements on the towing companies responding to such a request for removal. [9] Thus, the towed vehicle must be stored at a site within a certain distance of the property on which it was parked and the person or firm towing or removing the vehicle must, within 30 minutes of completion of the removal, notify the appropriate law enforcement agency of the location of the vehicle and provide a description of the vehicle.

Section 715.07, Florida Statutes, requires that a notice that unauthorized vehicles will be towed must be posted on certain private property but "property appurtenant to and obviously a part of a single-family

residence" is exempt from this requirement.[10] Thus, the owner or lessee of a single-family residence[11] is not required to post his or her property in order to have unauthorized vehicles which have been parked there towed or removed at the vehicle owner's expense.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgk

[1] See s. 316.002, Fla. Stat. (1995). And see the preamble to Ch. 71-135, Laws of Florida, creating Ch. 316, Fla. Stat., in which the Legislature recognized that the movement of traffic had previously been controlled by "a hodgepodge of ordinances" which varied as to language and penalty and which caused an inconvenience and hazard to travelers.

[2] And see s. 316.007, Fla. Stat. (1995), providing that "no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized." See also s. 166.021, Fla. Stat. (1995), which grants municipalities broad home rule powers except on matters expressly prohibited by law or when the subject matter is expressly preempted to the state by general law.

[3] See Ops. Att'y Gen. Fla. 90-68 (1990), 88-05 (1988), 86-59 (1986) and 83-84 (1983).

[4] See Ops. Att'y Gen. Fla. 73-323 (1973) and 72-383 (1972).

[5] Cf. s. 316.006(2)(b), Fla. Stat., which provides that a municipality may exercise jurisdiction over private roads or limited access roads owned or controlled by a special district and located within the municipal boundaries if the municipality and parties owning or controlling these roads enter into a written agreement for such traffic control which is approved by the governing body of the municipality.

[6] Section 316.1945(1)(a)3. and 4., Fla. Stat. (1995).

[7] And see Op. Att'y Gen. Fla. 93-22 (1993) (in which this office concluded, in response to a request from the City of St. Petersburg, that commercial horse-drawn carriage operations could not be banned from operation on streets within the city except as provided in s. 316.008, Fla. Stat., or other provision of state law).

[8] Section 715.07(2), Fla. Stat.

[9] Section 715.07(2)(a)1.-4., Fla. Stat.

[10] Section 715.07(2)(a)5., Fla. Stat. The section also exempts from the posting requirement those "instances when notice is personally given to the owner or other legally authorized person in control of the vehicle

that the area in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and subject to being removed at the owner's or operator's expense[.]"

[11] There is no definition of "single-family residence" for purposes of section 715.07, Fla. Stat. The phrase must be understood in reference to the applicable local zoning code. Courts have upheld the zoning of single-family residence districts to exclude not only all commercial, vocational and industrial enterprises, but also two-family houses (duplexes), apartment houses and multiple-family dwellings. However, wide discretion is granted to a local legislative body in the establishment of residential districts, and the determination of what land will be included in such a district. See generally *McQuillin, Municipal Corporations* ss. 25.98, 25.100, 25.101, and 25.127 (3rd Ed.). And see *State v. Hagan*, 387 So. 2d 943 (Fla. 1980), and *Southeastern Fisheries Association, Inc. v. Department of Natural Resources*, 453 So. 2d 1351 (Fla. 1984), for the proposition that in the absence of a statutory definition, words used in a statute should be understood in their plain and ordinary sense.

Sec. 134-2410. - Tow-away signs.

Tow-away signs shall not be allowed on private property appurtenant to or obviously part of a single-family residence. Tow-away signs for two-family, townhouse, multi-family, and institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the town's Architectural Commission. Tow-away signs on state, county and municipal governmental property shall also meet these requirements. A building permit shall be required for a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's Code of Ordinances.

(Ord. No. 04-2018, § 27, 4-11-18)

From: Benjamin Alma
To: Police Code Enforcement
Subject: FW: Work Product: Code Violation Warning for "Tow Away"
Date: Friday, March 29, 2019 2:58:31 PM
Attachments: Sec. 134-2410 tow away signs.pdf
image001.png

FYI

From: Randolph, John C. <JRandolph@jonesfoster.com>
Sent: Friday, March 29, 2019 2:55 PM
To: John Moriarty <JMoriarty@PalmBeachPolice.com>
Cc: Benjamin Alma <BALma@PalmBeachPolice.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: RE: Work Product: Code Violation Warning for "Tow Away"

Mr. Moriarty,

Pursuant to further research and upon conferring with Paul Castro, the Town takes the position that these tow away signs referenced in CE 19-114 are in violation of Section 134-2410 of the Town's Code. Therefore, I am providing this direction to allow this case to proceed as initially presented.

Thank you.

John C. Randolph

Attorney
Jones Foster P.A.

561 650 0458 – D
561 650 5300 – F
561 659 3000 – O

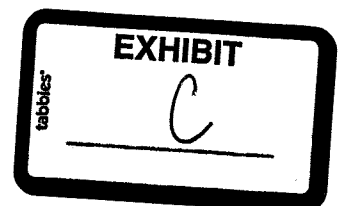
jrandolph@jonesfoster.com

J O N E S F O S T E R

Flagler Center Tower
505 South Flagler Drive, Suite 1100
West Palm Beach, Florida 33401
jonesfoster.com

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From: John Moriarty <JMoriarty@PalmBeachPolice.com>
Sent: Wednesday, March 6, 2019 11:50 AM
To: Tim Hanlon <tim.hanlon@amrl.com>; Randolph, John C. <JRandolph@jonesfoster.com>
Subject: RE: Work Product: Code Violation Warning for "Tow Away"



This Message originated outside your organization.

Hello,

The code enforcement case (CE 19-114) will not proceed / move forward until I receive direction From Mr. Randolph and/or Mr. Alma

John Moriarty
Town of Palm Beach
Police Department
Code Enforcement Unit
Office: 561-227-6422

From: Tim Hanlon <tim.hanlon@amrl.com>

Sent: Wednesday, March 06, 2019 10:41 AM

To: John Moriarty <JMoriarty@PalmBeachPolice.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>

Subject: RE: Work Product: Code Violation Warning for "Tow Away"

Hi John. I have spoken to Skip a couple times regarding this Notice and Compliance Date. Skip indicated that the Town is having a meeting on Friday 3/8 to discuss whether the Thorntons' Tow Away signs violate the Town Code. As a result, Skip advised to not remove the signs as of yet.

Please confirm the extension to the required Compliance date.

Thanks, Tim

M. Timothy Hanlon
Alley, Maass, Rogers & Lindsay P.A.
340 Royal Poinciana Way, Suite 321
Palm Beach, Florida 33480
Phone: (561) 659-1770
Fax: (561) 833-2261
Direct Fax: (561) 804-4617
tim.hanlon@amrl.com

From: Tim Hanlon

Sent: Tuesday, February 19, 2019 5:29 PM

To: 'John Moriarty' <JMoriarty@PalmBeachPolice.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>

Subject: FW: Work Product: Code Violation Warning for "Tow Away"

Hi John and Skip. I have tried to reach Paul Castro a couple times but understand that he is out of the office most of the week.

The Thorntons propose to remove the Tow Away signs (despite the fact that the Town recommended and approved them) and replace them with "No Parking" signs.

Please confirm whether the No Parking signs are permitted on the private property owned by the Thorntons.

.Thanks, Tim

M. Timothy Hanlon
Alley, Maass, Rogers & Lindsay P.A.
340 Royal Poinciana Way, Suite 321
Palm Beach, Florida 33480
Phone: (561) 659-1770
Fax: (561) 833-2261
Direct Fax: (561) 804-4617
tim.hanlon@amrl.com

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TOWN OF PALM BEACH
ARCHITECTURAL COMMISSION

Town Hall
Council Chambers-Second Floor
360 South County Road
Palm Beach, Florida 33480

March 27, 2019

10:00 a.m. - 11:59 a.m.

B-046-2017

BOARD MEMBERS

Robert J. Vila, Chairman
Michael B. Small, Vice Chairman
Robert N. Garrison, Member
Alexander C. Ives, Member
Maisie Grace, Member
John David Corey, Member
Nikita Zukov, Member
Betsy Shiverick, Alternate Member
Katherine Catlin, Alternate Member
Dan Floersheimer, Alternate Member

ALSO PRESENT

John Randolph, Esq., Jones Foster
Amanda Quirke-Hand, Lehtinen Schultz
M. Timothy Hanlon, Alley Maass

Stenographically reported by:
Lisa Higbee, RPR, RMR



1 randomly?

2 MS. QUIRKE-HAND: I guess.

3 MS. GRACE: Okay, thank you.

4 CHAIRMAN VILA: Mr. Floersheimer, did you
5 have --

6 MR. HANLON: Those are actually on the
7 Thornton property, too, those palm fronds from the
8 Jacobs.

9 MR. FLOERSHEIMER: I do. I want to refer
10 back to Mr. Ives' comments about what our purview
11 is here, and it harkens back to making Palm Beach
12 beautiful and attractive and preserving it for all
13 residents, and I think the issue really comes down
14 to that the residents of 100 Beach -- 100 Emerald
15 Beach Way, in using their right-of-way, have to go
16 by a pile of debris that is --

17 CHAIRMAN VILA: That's irrelevant. This is
18 code enforcement. This is not our purview. A
19 pile of debris is a code enforcement issue, and
20 it's on their property. We have already --

21 MR. GARRISON: Mr. Chairman --

22 MR. RANDOLPH: Unless it's set forth on
23 their plans as a debris area, and, if it is and
24 it's not legal, then they shouldn't have --

25 CHAIRMAN VILA: It's neither here nor

1 town council and I'm sure she'll try to attempt
2 today to make the argument these are separate
3 parcels. These are not separate parcels.

4 So this empty parcel here showing -- part
5 of the parcel here that's showing is where the
6 tennis courts are proposed and the parking area.
7 As you can see, it's very, very close to the main
8 residence, and there's complete access from the
9 residence to the tennis courts. There may be a
10 separate easement and access point from the courts
11 and the parking area to South Ocean Boulevard, but
12 they're completely one parcel. And we have
13 submitted the unity of title as part of our
14 presentation materials to confirm that. So
15 legally they are one and the same parcel. Very
16 important.

17 So Skip already confirmed that Paul Castro
18 made a determination that no special exceptions
19 were required and no variances were required.
20 Town council affirmed his decisions and denied the
21 appeals last week. At this point, I -- I'm sorry.

22 MR. RANDOLPH: That should be clarified
23 because I believe the decision of the town council
24 in regard to the matter of whether a special
25 exception was needed for the tennis courts and

1 there.

2 MR. MIZELL: Excuse me, it's actually part
3 of the application. It is on our plans. It's
4 called out.

5 CHAIRMAN VILA: Okay, I'm sorry.

6 MR. FLOERSHEIMER: If I could just continue
7 with a couple of points.

8 CHAIRMAN VILA: Yes.

9 MR. FLOERSHEIMER: The gate that is our
10 purview is a very fine gate. It matches the front
11 gate of the Thornton property, but, for people who
12 are going through Emerald Beach Way, it does not
13 sufficiently, in my opinion, hide the vehicles
14 that are in the parking area. Whether the parking
15 area is legal or not is probably not our purview,
16 but our purview is the aesthetics of the gate, and
17 the gate doesn't block the -- you're seeing 10
18 cars parked in that area.

19 CHAIRMAN VILA: Okay, trying to move this
20 along here.

21 MR. FLOERSHEIMER: One more thing, when I
22 drove onto Emerald Beach Way yesterday, I noticed
23 20 signs that say no parking. And that, I think,
24 also is excessive and doesn't add to the beauty of
25 Palm Beach.

TOWN OF PALM BEACH
PLANNING, ZONING & BUILDING DEPARTMENT
TOWN COUNCIL MEETING DEVELOPMENT REVIEW

Town Hall
Council Chambers-Second Floor
360 South County Road
Palm Beach, Florida 33480

March 19, 2019

7:01 p.m. - 9:06 p.m.

BOARD MEMBERS

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

ALSO PRESENT

Paul Castro, Zoning Administrator
John Randolph, Esq., Jones Foster
Amanda Quirke-Hand, Lehtinen Schultz
M. Timothy Hanlon, Alley Maass

Stenographically reported by:
Lisa Higbee, RPR, RMR



1 do have situations.

2 MS. ARASKOG: And they can still get to the
3 main house, or they --

4 MR. CASTRO: Oh, yes. It's on the same
5 lot. This is on the same lot even though they
6 combined properties --

7 MR. ARASKOG: I think maybe I'm not --
8 maybe I'm not being clear. Can the road reach the
9 house? Do you have any situation -- because this,
10 you have to go out and around to get to the main
11 house. I think that was one of her arguments was
12 that it's not --

13 MR. CASTRO: I don't know a situation like
14 that, no, but it's all part of the same lot. It's
15 all tied together by unity of title. It's all one
16 large estate that we consider one lot.

17 MS. ARASKOG: Thank you. Okay, I'll stop
18 for now.

19 PRESIDENT MOORE: Mr. Crampton.

20 MR. CRAMPTON: Yeah, I think geography has
21 a lot to do with this, and I just have some
22 questions to ask while I conjure this. And so I
23 go back to this drawing that's up on the wall
24 here. Which home is the Thornton home, and which
25 is the Jacobs home?

Town of Palm Beach Planning, Zoning & Building Department

September 11, 2019

PHIPPS REPORTING

Raising the Bar!

EXHIBIT

tabbies

F

1 No notice of your approval --

2 administrative approval would have been given to
3 Mr. Schneider's client?

4 MR. LINDGREN: No, sir.

5 MR. RANDOLPH: So they would not have had
6 an opportunity to appeal your decision?

7 MR. LINDGREN: No, sir. That's not part of
8 the process of administrative or staff approvals.
9 They're usually things that are so minor that
10 they're not going to affect other folks. If I
11 think that there's going to be an adverse impact
12 on someone, then I won't -- I wouldn't do that
13 administratively. I no longer -- The director now
14 does the administrative approvals. That began at
15 the end of June of this year. But neither one of
16 us would approve something that we thought would
17 have any kind of adverse impact on a neighbor.

18 MS. ARASKOG: Paul is now showing -- I
19 think maybe we should be -- we should be on record
20 while we're doing this.

21 MR. RANDOLPH: Yes, he should.

22 MS. ARASKOG: He's showing something, and
23 somebody said something over here. So I think --
24 Well, no, but why don't you at least say what
25 you're saying on the mic. Thank you.

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 10, 2019

TO: Mayor and Town Council
VIA: Kirk W. Blouin, Town Manager
FROM: Joshua Martin, Director of Planning, Zoning & Building
RE: Administrative ARCOM Appeal
1236 South Ocean Boulevard,
DATE: July 1, 2019, REVISED July 9, 2019

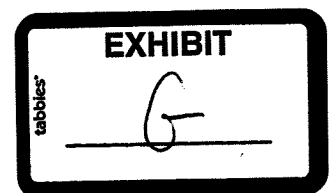
STAFF RECOMMENDATION

Planning, Zoning, and Building (PZB) Staff received an Administrative Appeal regarding 1236 South Ocean Boulevard on May 14, 2019. Subsequently, on July 2, 2019, PZB received a Supplement to the Administrative Appeal regarding 1236 South Ocean Boulevard. The Administrative Appeal focuses on three primary issues:

- The 12 Illegal Tow Away Signs;
- The 13 Illegal Road Stamps; and
- The Town's Egregious Conduct and Public Records Violation.

Regarding the "12 Illegal Tow Away Signs" issue, in my review of the proposed signage, I offer the following:

- I did not believe that the proposed signage met the State requirements for tow-away signs so I did believe Section 134-2410 applied to the proposed signs;
- As for ARCOM review and approval, Staff regularly issues Staff Approvals (copy of application attached) which do not require notice and are outlined in Section 18-175 (c) (1) as follows: When in the opinion of the planning, zoning and building department director or his or her designee, the improvements contemplated in an application for a construction permit are minimal in nature, and are not included in the listing of projects subject to architectural review contained within the ARCOM Project Designation Manual, and such improvements do not defeat the purposes and objectives of this article, he or she may grant the permit without requiring architectural review, notwithstanding any other provisions of this section or this article. The decision of the planning, zoning and building department director or his/her designee shall be subject to appeal made to the town council in accordance with the provisions of section 18-177. Signs are a very typical Staff Approval across Town; and
- Finally, in my original review of Section 134-273 (5), General Regulations and definitions applicable to permitted signs, which reads "*No sign other than an official traffic sign erected by the town, Palm Beach County, the State of Florida, the United*



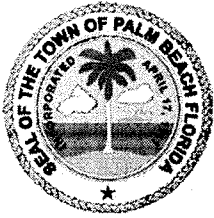
States government and/or any agency thereof shall be erected within the right-of-way lines of any street or public way, nor shall any sign or banner be hung on, from, or beneath any canopy, awning or marquee,” I read the aforementioned section to apply to those “public” streets or rights-of-way given the official traffic nature intent. However, since the Administrative Appeal was received and I conducted a second, comprehensive review of the Zoning Code and in the definition of “street” I found the following: “Street means a facility, either public *or private*, that affords the primary access to abutting property and that is intended for general traffic circulation. A street includes the entire area between street lines (right-of-way lines), including provisions for culs-de-sac.”

As a result, I recommend that the Town Council overturn my interpretation of the Zoning Code and to require the respective signage be removed.

As for the 13 Illegal Road Stamps, I defer to Code Enforcement.

As for the Town’s Egregious Conduct and Public Records Violation, I defer to the Town Clerk.

CC: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects, eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by Check payable to the Town of Palm Beach or by cash or credit card in Town Hall during business hours of 8:30am and 4:30pm Monday thru Friday. If the subject property is a Landmark the fee is \$150.00, all others are \$200.00.

Application Type: _____LPC Staff Approval \$150.00 _____ARCOM Staff Approval \$200.00

DATE: _____

MASTER PERMIT#: _____-_____-_____

STAFF APPROVAL PERMIT#: _____-_____-_____

- I. PROJECT ADDRESS: _____
- II. DESCRIPTION OF REQUEST Please include a comprehensive summarized description of the proposed project (attach a separate sheet, if needed):

- III. BUSINESS NAME/TENANT INFORMATION (For commercial properties only): _____
Phone number: _____ Email address: _____
- IV. DESIGN PROFESSIONAL NAME AND CONTACT INFORMATION:
Name of Professional: _____ License #: _____
Phone number: _____ Email address: _____
- V. CONTRACTOR NAME AND CONTACT INFORMATION:
Construction Company: _____
Phone number: _____ Email address: _____
- VI. PROPERTY OWNER/AGENT NAME AND CONTACT INFORMATION:
Property Owner's Name: _____
Owner's Address (if different from Subject Address): _____
Phone number: _____ Email address: _____
- VII. Applicant Signature: _____ Date: _____
(Printed name) _____ Title: _____

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com
561-838-5431

NEW PROCEDURE!

CHECKLIST FOR APPLICATION FOR STAFF APPROVAL

Both the Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

EXAMPLES of some types of projects that may be Staff Approved include the following:

Signs (business identification signs)	Landscaping	Fences
Shutters	Roof changes	Window/Door fenestration changes
Pavers/decks/driveways	Awnings	

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by Check payable to the Town of Palm Beach or by cash or credit card in Town Hall during business hours of 8:30am and 4:00pm Monday thru Friday. Fees are as follows:

Application Type: _____LPC Staff Approval \$150.00 _____ARCOM Staff Approval \$200.00

IMPORTANT NOTE: Please remember that the STAFF APPROVAL PERMIT is only Step 1 in the permitting process! Additional permits and fees may be required. If Staff determines the scope of your project must be heard before the Commission, Staff will advise how to proceed.

TO SUBMIT AN APPLICATION FOR STAFF APPROVAL:

- Submit your application and plans (no larger than 11x17) in person during PZB hours of 8:30-4:00 M-F. Payment may be made by check (payable to Town of Palm Beach), cash or credit card (a convenience fee of 2.24% will be added).

From: Paul Castro
To: Tim Hanlon
Cc: Joshua Martin; John (Skip) C. Randolph
Subject: RE: Work Product: Code Violation Warning for "Tow Away"
Date: Wednesday, April 03, 2019 9:17:01 AM
Attachments: image001.png

Tim,

The private platted street known as Emerald Beach Way.

Paul Castro, AICP
Zoning Administrator

360 South County Road
Palm Beach, FL 33480
561-227-6406
www.pcastro@townofpalmbeach.com

From: Tim Hanlon <tim.hanlon@amrl.com>
Sent: Wednesday, April 03, 2019 9:09 AM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: Joshua Martin <jmartin@TownOfPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>
Subject: RE: Work Product: Code Violation Warning for "Tow Away"

From what street are they visible?

M. Timothy Hanlon
Alley, Maass, Rogers & Lindsay P.A.
340 Royal Poinciana Way, Suite 321
Palm Beach, Florida 33480
Phone: (561) 659-1770
Fax: (561) 833-2261
Direct Fax: (561) 804-4617
tim.hanlon@amrl.com

From: Paul Castro <PCastro@TownofPalmBeach.com>
Sent: Wednesday, April 3, 2019 8:54 AM
To: Tim Hanlon <tim.hanlon@amrl.com>
Cc: Joshua Martin <jmartin@TownOfPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>



Subject: RE: Work Product: Code Violation Warning for "Tow Away"

Tim,

I see no code provision in Chapter 134, Zoning, that allows "no parking" signs on private property which can be seen from a street. If you can point something out in the code that specifically allows such signs, please guide me to that provision and I would be glad to look at it.

Kindest regards,

Paul Castro, AICP

Zoning Administrator

360 South County Road

Palm Beach, FL 33480

561-227-6406

[www.pcastro@townofpalmbeach.com](mailto:pcastro@townofpalmbeach.com)

From: Tim Hanlon <tim.hanlon@amrl.com>

Sent: Tuesday, April 02, 2019 1:27 PM

To: John (Skip) C. Randolph <JRandolph@jonesfoster.com>

Cc: Paul Castro <PCastro@TownofPalmBeach.com>

Subject: RE: Work Product: Code Violation Warning for "Tow Away"

Hi again Skip and Paul.

I am just checking again about replacing the Tow Away signs with No Parking signs. Also, now that the Town has made a final determination, what is the time frame for removal?

Please confirm the above information at your earliest convenience.

Thanks, Tim

M. Timothy Hanlon

Alley, Maass, Rogers & Lindsay P.A.

340 Royal Poinciana Way, Suite 321

Palm Beach, Florida 33480

Phone: (561) 659-1770

Fax: (561) 833-2261

Direct Fax: (561) 804-4617

tim.hanlon@amrl.com

From: Randolph, John C. <JRandolph@jonesfoster.com>

Sent: Friday, March 29, 2019 2:47 PM
To: Tim Hanlon <tim.hanlon@amrl.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>
Subject: RE: Work Product: Code Violation Warning for "Tow Away"

Tim,

Upon further research and upon conferring with Paul Castro, I have advised Code Enforcement to proceed with Code Enforcement Case CE 19-114. The signs will therefore be required to be removed.

If you have any questions, please feel free to speak to John Moriarty at 227-6422.

In regard to your question as to whether or not any kind of no parking sign can be placed on the property, please speak directly to Paul Castro.

Thank you.

John C. Randolph

Attorney
Jones Foster P.A.

561 650 0458 – D
561 650 5300 – F
561 659 3000 – O

jrandolph@jonesfoster.com

J O N E S F O S T E R

Flagler Center Tower
505 South Flagler Drive, Suite 1100
West Palm Beach, Florida 33401
jonesfoster.com

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From: Tim Hanlon <tim.hanlon@amrl.com>
Sent: Wednesday, March 6, 2019 12:01 PM
To: John Moriarty <JMoriarty@PalmBeachPolice.com>; Randolph, John C. <JRandolph@jonesfoster.com>
Subject: RE: Work Product: Code Violation Warning for "Tow Away"

This Message originated outside your organization.

Great. Thanks John!

Tim

M. Timothy Hanlon
Alley, Maass, Rogers & Lindsay P.A.
340 Royal Poinciana Way, Suite 321
Palm Beach, Florida 33480
Phone: (561) 659-1770
Fax: (561) 833-2261
Direct Fax: (561) 804-4617
tim.hanlon@amrl.com

From: John Moriarty <JMoriarty@PalmBeachPolice.com>
Sent: Wednesday, March 6, 2019 11:50 AM
To: Tim Hanlon <tim.hanlon@amrl.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>
Subject: RE: Work Product: Code Violation Warning for "Tow Away"

Hello,
The code enforcement case (CE 19-114) will not proceed / move forward until I receive direction
From Mr. Randolph and/or Mr. Alma

John Moriarty
Town of Palm Beach
Police Department
Code Enforcement Unit
Office: 561-227-6422

From: Tim Hanlon <tim.hanlon@amrl.com>
Sent: Wednesday, March 06, 2019 10:41 AM
To: John Moriarty <JMoriarty@PalmBeachPolice.com>; John (Skip) C. Randolph
<JRandolph@jonesfoster.com>
Subject: RE: Work Product: Code Violation Warning for "Tow Away"

Hi John. I have spoken to Skip a couple times regarding this Notice and Compliance Date. Skip
indicated that the Town is having a meeting on Friday 3/8 to discuss whether the Thorntons' Tow
Away signs violate the Town Code. As a result, Skip advised to not remove the signs as of yet.

Please confirm the extension to the required Compliance date.

Thanks, Tim

M. Timothy Hanlon
Alley, Maass, Rogers & Lindsay P.A.
340 Royal Poinciana Way, Suite 321

Palm Beach, Florida 33480
Phone: (561) 659-1770
Fax: (561) 833-2261
Direct Fax: (561) 804-4617
tim.hanlon@amrl.com

From: Tim Hanlon
Sent: Tuesday, February 19, 2019 5:29 PM
To: 'John Moriarty' <JMoriarty@PalmBeachPolice.com>; John (Skip) C. Randolph
<JRandolph@jonesfoster.com>
Subject: FW: Work Product: Code Violation Warning for "Tow Away"

Hi John and Skip. I have tried to reach Paul Castro a couple times but understand that he is out of the office most of the week.

The Thorntons propose to remove the Tow Away signs (despite the fact that the Town recommended and approved them) and replace them with "No Parking" signs.

Please confirm whether the No Parking signs are permitted on the private property owned by the Thorntons.

Thanks, Tim

M. Timothy Hanlon
Alley, Maass, Rogers & Lindsay P.A.
340 Royal Poinciana Way, Suite 321
Palm Beach, Florida 33480
Phone: (561) 659-1770
Fax: (561) 833-2261
Direct Fax: (561) 804-4617
tim.hanlon@amrl.com

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Time Extensions

Agenda Title

Time Extension Request, 247 Worth Avenue, Le Bilboquet Restaurant

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated October 30, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning and Building**
- ▣ **Letter Dated October 30, 2019 from Maura Ziska**
- ▣ **Letter Dated October 30, 2019 from Batten Construction**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 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 247 Worth Avenue

Date: October 30, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the days for construction work that is beginning at 247 Worth Avenue (Le Bilboquet Restaurant). If approved, staff recommends that it is conditioned upon the October 30, 2019 letter and attachments (attached) from Maura Ziska, Esq., in which she describes the details of the request.

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 an extension of time to complete renovations at the new Le Bilboquet Restaurant, 247 Worth Avenue. The applicant is requesting work hours throughout the prohibited winter season from November through April. The restaurant renovation will be accessed by the contractors only from the Apollo Parking Lot and no construction will be visible from Worth Avenue, or from the small Via leading back to the building. The applicant is requesting this relief through April 30, 2020.

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 an extension of these working days to complete the restaurant renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

Staff recommends the Town Council consider the construction hour extension, as requested.

Attachment – Letter, with attachments, from Maura Ziska, Esq., dated October 30, 2019

WRB

cc: Ben Alma, Police Department

October 30, 2019

RE: 247 Worth Avenue, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 247 Worth Avenue, to allow work to continue during normal seasonal hours from November 18, 2019 through May 29, 2020. Work will be discontinued during peak holiday times which include November 25-29, 2019; December 23-27, 2019, and December 30, 2019-January 3, 2020. Please see the attached letter from Batten Construction outlining these times, parking proposal, green wall to isolate the work, and a map outlining the plan.

This matter will be presented to the Town Council at the regularly-scheduled meeting on November 13, 2019. Any concerns regarding this matter should be expressed at this meeting.

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

Respectfully,

Maura Ziska



October 30, 2019

RE: 247 Worth Avenue Buildout

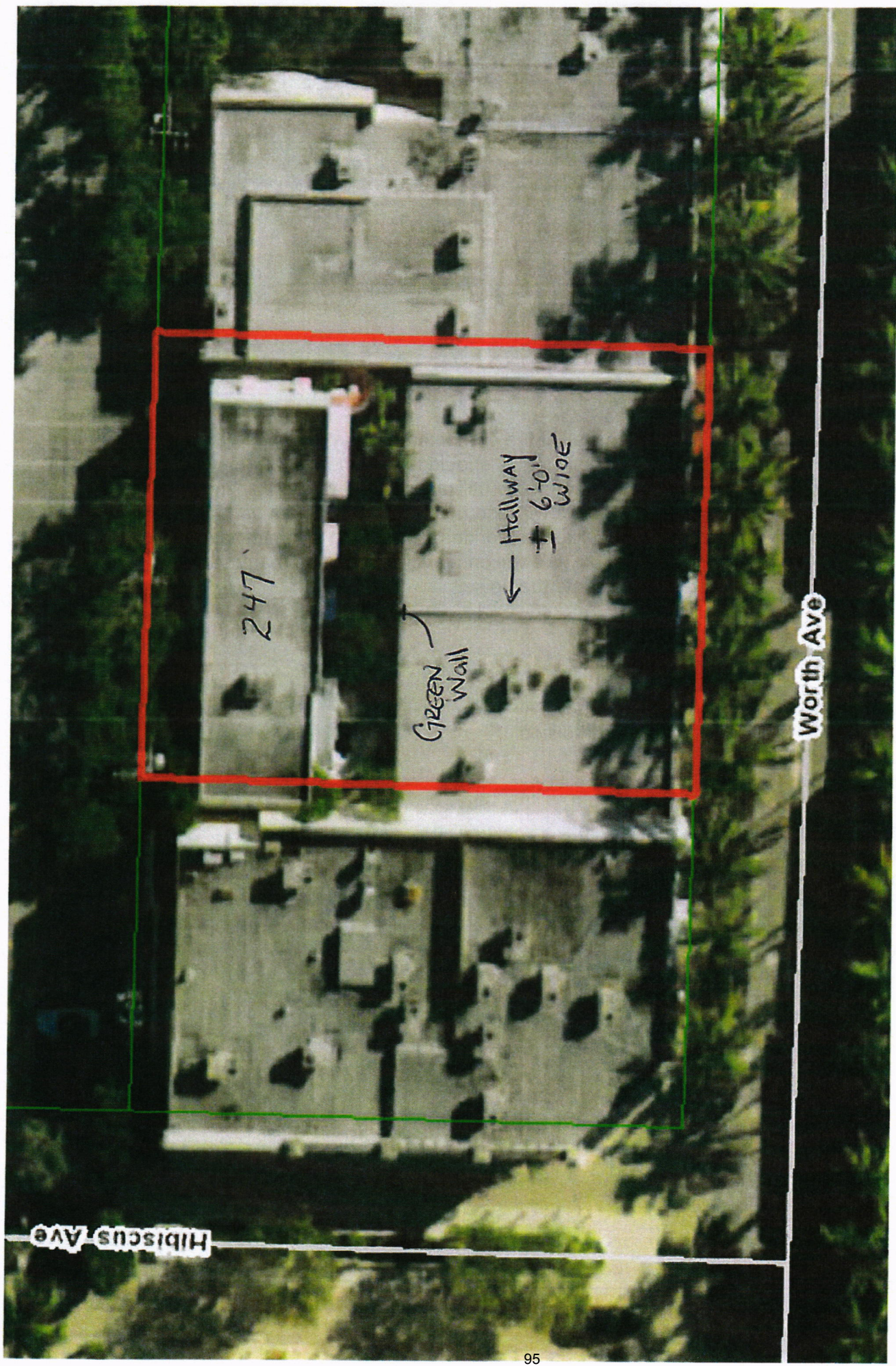
We propose to install a green wall at the end of the hallway leading to the building at 247 Worth Avenue. We believe this should isolate the work from Worth Avenue proper. We would also like to offer the utilization of the Apollo Parking lot as the only access to the site. That way we will also not need or request a parking permit for Worth Avenue proper. We would like our working hours to be normal seasonal hours and overtime if you would allow. We will endeavor to make as many saw cuts inside the building as we can to mitigate the noise.

Our schedule would be as follows:

November 13th -15th : Town Approvals
November 18th – 22nd : Continue Demolition
November 25th – 29th : No Work
December 2nd – 20th : Continue Demolition
December 23rd – 27th : No Work
December 30th – January 3rd : No Work
January 6th – 31st : Framing & Start Rough MEP
February 3rd – 28th : MEP Rough, Windows & Screw Walls
March 2nd – 31st : Stucco Patching, Start Drywall, Tile & Pavers
April 1st – 30th : Painting & MEP Trim
May 1st – 29th : Finishes, Punch & Finals

Building upon a lifetime of experience

Batten Construction, Inc. • CGC #037317 • 1400 Clare Avenue • West Palm Beach, FL 33401 • T: 561-820-0027 • F: 561-820-1510 • www.battenco.com



247

GREEN
Wall

← Hallway
± 6'0"
wide

Hibiscus Ave

Worth Ave

October 30, 2019

RE: 247 Worth Avenue, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 247 Worth Avenue, to allow work to continue during normal seasonal hours from November 18, 2019 through May 29, 2020. Work will be discontinued during peak holiday times which include November 25-29, 2019; December 23-27, 2019, and December 30, 2019-January 3, 2020. Please see the attached letter from Batten Construction outlining these times, parking proposal, green wall to isolate the work, and a map outlining the plan.

This matter will be presented to the Town Council at the regularly-scheduled meeting on November 13, 2019. Any concerns regarding this matter should be expressed at this meeting.

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

Respectfully,

Maura Ziska



October 30, 2019

RE: 247 Worth Avenue Buildout

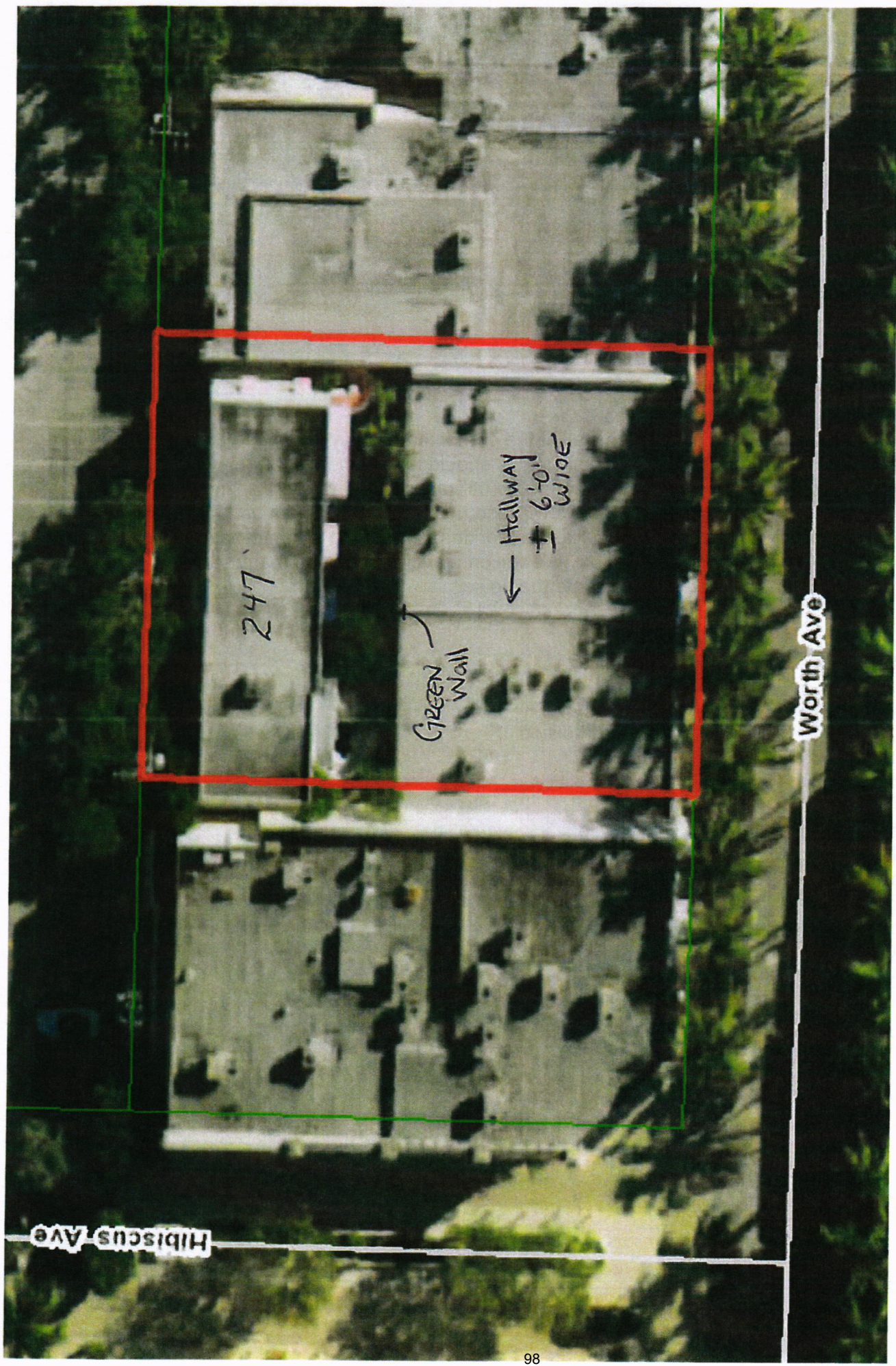
We propose to install a green wall at the end of the hallway leading to the building at 247 Worth Avenue. We believe this should isolate the work from Worth Avenue proper. We would also like to offer the utilization of the Apollo Parking lot as the only access to the site. That way we will also not need or request a parking permit for Worth Avenue proper. We would like our working hours to be normal seasonal hours and overtime if you would allow. We will endeavor to make as many saw cuts inside the building as we can to mitigate the noise.

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Development Review - Old Business

Agenda Title

Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at **340 ROYAL POINCIANA WAY SUITE: M337**, legal description on file, is described below. On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested.

The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application. [Applicant's Representative: James M. Crowley Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated October 24, 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: November 13, 2019

To: Mayor and Town Council

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

Subject: **Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
340 ROYAL POINCIANA WAY SUITE: M337

Date: October 24, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested.

The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application.

ADDRESS: 340 ROYAL POINCIANA WAY SUITE: M337

OWNER: SPIEGEL SIDNEY TR # 31520371

OWNER'S REPRESENTATIVE: GUNSTER YOAKLEY & STEWART PA

PROPERTY CONTROL NO.: 50-43-43-22-00-001-0050

ZONING DISTRICT: C-PC Planned Center

LEGAL DESCRIPTION: 22-43-43, TH PT OF GOV LT 1 LYG S OF S LI OF
ROYAL POINCIANA WAY & W OF & ADJ TO
COCONUT ROW IN OR3150P630 (LESS PAR IN
DB592P478)

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: 6/7/19

APPLICATION NO.: Z-19-00211 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 340 ROYAL POINCIANA WAY SUITE: M337

DESCRIPTION:

On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested. The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	6/18/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/29/2019	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/19/2019	The addition of entertainment will require appropriate placement to ensure exits are not blocked or impeded.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/5/2019	I have no comments regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/19/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	6/21/2019	No comments
PZB - ZONING	Paul Castro, Zoning Manager	7/30/2019	I have no comment on the request.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Development Review - Old Business

Agenda Title

Z-19-00213 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Armen A. Manoogian, Applicant, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below.

A request to add a two car one-story garage onto the North side of the house which requires the following variances: 1. Sec 134-1576 A street side yard setback of six feet in lieu of the eighteen foot minimum required 2. Sec 134-893 b (13) A Cubic Content Ratio of 6.13 in lieu of the 5.82 existing and the 3.94 maximum allowed.

[Applicant's Representative: Jose Gonzalez, Architect] [Architectural Review

Commission Recommendation: Implementation of the proposed variance will

cause negative architectural impact to the subject property. Carried 7-0 The

Architectural Review Commission deferred the project to the September 25, 2019

meeting. Carried 4-3] **Request for Withdrawal per Email from Jose Gonzalez.**

Presenter

ATTACHMENTS:

- **Email Dated October 22, 2019 from Jose Gonzalez**

From: [Jose Gonzalez](#)
To: [John Lindgren](#)
Cc: mpriore@gonzalez-architects.com; [Paul Castro](#); [Kelly Churney](#); [Maura Ziska](#)
Subject: Re: 224 SOB
Date: Tuesday, October 22, 2019 12:58:57 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Yes John that is correct

Sent from my iPhone

On Oct 22, 2019, at 6:46 PM, John Lindgren <JLindgren@townofpalmbeach.com> wrote:

Jose,

I forgot to ask, but are you also withdrawing your zoning application? I would believe so, but wanted to confirm it.
John

John Lindgren, AICP Planning Manager

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Jose Gonzalez <jose@gonzalez-architects.com>
Sent: Tuesday, October 22, 2019 12:38 PM
To: John Lindgren <JLindgren@TownofPalmBeach.com>
Cc: mpriore@gonzalez-architects.com
Subject: Re: 224 SOB

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be

verified for authenticity.*****

John...per our discussion we would like to formally withdraw the Manoogian residence application...thank you for your kind attention

Sent from my iPhone

On Oct 22, 2019, at 6:32 PM, John Lindgren
<JLindgren@townofpalmbeach.com> wrote:

Jose,

The submittal deadline for the 10/30 ARCOM meeting was yesterday. Do you wish to defer the project again? If so, do you want to defer this to the November 22 meeting, December 13 meeting, or beyond that date?

John

John Lindgren, AICP Planning Manager

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Jose Gonzalez <jose@gonzalez-architects.com>
Sent: Monday, September 16, 2019 8:46 AM
To: John Lindgren <JLindgren@TownofPalmBeach.com>
Subject: Re: 224 SOB

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Thanks...will do

On Fri, Sep 13, 2019 at 3:29 PM John Lindgren
<JLindgren@townofpalmbeach.com> wrote:

|

TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND

VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles “Rusty” Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35 foot minimum required in the R-A Zoning District. 3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission Deferred the Project at the October 30, 2019 Meeting. Carried 7-0] **Request for Deferral to the January 15, 2020 meeting per Letter from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated November 5, 2019 from Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

*also admitted in NY

VIA EMAIL

November 5, 2019

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

RE: Z-18-00134 – 977 South Ocean Boulevard, Palm Beach, Florida

Dear Paul:

Please **defer** the above referenced matter from the **November 13, 2019** Town Council agenda to the **January 15, 2020** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at their October 30th meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

/maz

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00224 SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-B Low Density Residential

The application of Andrew and Milla Russo, Applicant, relative to property located at **218 DEBRA LN**, legal description on file, is described below. 1. Section 134-893(b)(2) - A request for Site Plan Review to build a 3,539 square foot, 2 story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances are being requested for the proposed swimming pool. a. Section 134-1757 - Request for a front yard setback of twenty feet, four inches (20.33') in lieu of the twenty-five foot (25.0') minimum front yard setback required by code. b. Section 134-1757 - Request to allow the proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required. [Applicant's Representative: Francis X. J. Lynch] [Architectural Review Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 4-3]

Presenter

ATTACHMENTS:

- **Memorandum Dated October 24, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**
- **Letter received October 29, 2019 from Molly Noonan**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

To: Mayor and Town Council

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

Subject: **Z-19-00224 SITE PLAN REVIEW WITH VARIANCE(S)**
218 DEBRA LN

Date: October 24, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Section 134-893(b)(2) - A request for Site Plan Review to build a 3,539 square foot 2 story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances are being requested for the proposed swimming pool. a. Section 134-1757 - Request for a front yard setback of twenty feet, four inches (20.33') in lieu of the twenty-five foot (25.0') minimum front yard setback required by code. b. Section 134-1757 - Request to allow the proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required.

ADDRESS: 218 DEBRA LN

OWNER: RUSSO ANDREW & MILLA

OWNER'S REPRESENTATIVE: BRETON LYNCH EUBANKS & SUAREZ-

PROPERTY CONTROL NO.: 50-43-42-34-06-000-0020

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: MANANA ESTATES SUB OF PARCEL 3LT 10-W

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: 9/18/19

APPLICATION NO.: Z-19-00224 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 218 DEBRA LN

DESCRIPTION:

1. Section 134-893(b)(2) - A request for Site Plan Review to build a 3,539 square foot 2 story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances are being requested for the proposed swimming pool.
a. Section 134-1757 - Request for a front yard setback of twenty feet, four inches (20.33') in lieu of the twenty-five foot (25.0') minimum front yard setback required by code. b. Section 134-1757 - Request to allow the proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	10/24/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	11/1/2019	Stormwater Management System proposed for the site meets the Town's level of service. Dimension driveway to confirm conformance to Town Standards. Trench drain appears greater than 14-foot wide. Sight triangle needs to be applied to Debra Lane. Sight triangle for Laurie Lane could be modified per Town Standards.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	10/28/2019	Applicant needs to contact FPL regarding power needs. Transformer located on Laurie Lane. There are no fire code concerns with this application.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Manager	10/29/2019	This project will require review and approval from the Architectural Commission (ARCOM) as a major project.
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	10/25/2019	No Comment
PZB - ZONING	Paul Castro, Zoning Manager	10/24/2019	The proposed new house meets all zoning code requirements. The variance for the swimming pool is de minimus.

To:
Mr. John Lindgren
Planning Administrator
Town of Palm Beach,

and members of ARCOM and the Palm Beach Town Council

Re: ARCOM and Town Council reviews of project at 218 Debra Lane, Palm Beach

Dear Mr. Lindgren and members of the council:

My primary residence is at 1469 North Lake Way, on the southeast corner of Debra Lane and North Lake Way. It is immediately west of the property at 218 Debra Lane. The new owners of that property have requested variances for the new building they are proposing; these variances are scheduled to be discussed at the October 30 ARCOM meeting and at the Town Council meeting on November 13.

I have concerns about their plans. The new owners must increase the elevation of their property by "more than three and one-half feet" to meet FEMA requirements. They do not say just how high they will go. Because my property is adjacent to theirs, just to the west, I don't know how this change will affect my property in terms of draining, landscaping and the underground wiring.

The second problem is that the house will be two stories tall, unlike any other structure on Debra Lane. There are also requests to place the new house and swimming pool closer to the boundaries of the property. Given the increased elevation of the property, a two story house, (possibly closer to the property line), will loom over the east side of my house which includes the back patio, dining area and a bedroom. It would undoubtedly affect the light and the privacy of my living space.

Debra Lane consists of single story houses on small lots. A two-story house that requires set-back variances will change the character of the neighborhood because of its effect on light, space and privacy. It will undoubtedly also affect property values. I hope you will consider these problems in your evaluation of both the architectural plans and the request for variances.

Sincerely,

Molly Noonan
1469 North Lake Way

TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00225 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: C-WA Worth Ave The application of FRO II WORTH OWNER LLC (Andrew Osborne), Applicant, relative to property located at **259 WORTH AVE**, legal description on file, is described below. Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth In Exhibit D(Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 25% maximum allowed for a third story using the Worth Avenue Design Guidelines (see attached Exhibit D). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: The project meets the Worth Avenue Design Guidelines as presented. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 6-1]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated October 24, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**
- ▢ **Email Dated October 29, 2019 from Anne Pepper**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

To: Mayor and Town Council

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

Subject: **Z-19-00225 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)
259 WORTH AVE**

Date: October 24, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth in Exhibit D (Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 30% maximum allowed for a third story using the Worth Avenue Design Guidelines (see attached Exhibit D).

ADDRESS: 259 WORTH AVE

OWNER: FRO II WORTH OWNER LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-05-015-0520

ZONING DISTRICT: C-WA Worth Avenue

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 52 TO 54 INC
BLK 15

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: 9/18/19

APPLICATION NO.: Z-19-00225 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 259 WORTH AVE

DESCRIPTION:

Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth in Exhibit D (Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 30% maximum allowed for a third story using the Worth Avenue Design Guidelines (see attached Exhibit D).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	10/24/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	11/1/2019	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	10/28/2019	This is a residential commercial mix. Fire codes will come into play but would not prohibit the project. A complete plan review would need to be completed to identify all fire code compliance concerns.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Manager	10/29/2019	This project will require review and approval from the Architectural Commission (ARCOM) as a major project.
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	10/25/2019	No comments
PZB - ZONING	Paul Castro, Zoning Manager	10/24/2019	The applicant needs to demonstrate that the project meets the Worth Avenue Design Guidelines for approval of the third story. The residential third story will not be visible from the streets or sidewalks based on the setbacks.

From: [John Lindgren](#)
To: [Antonette Fabrizi](#); [Aly Serrano](#)
Cc: [Paul Castro](#); [Kelly Churney](#)
Subject: FW: 2019-10-30 AGENDA ARCOM - Laserfiche WebLink
Date: Wednesday, October 30, 2019 4:41:37 PM

See below for Town Council (agenda item next month).

John Lindgren, AICP
Planning Manager

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

-----Original Message-----

From: Anne Pepper <annepepper@mac.com>
Sent: Tuesday, October 29, 2019 8:58 PM
To: John Lindgren <JLindgren@TownofPalmBeach.com>
Subject: Fwd: 2019-10-30 AGENDA ARCOM - Laserfiche WebLink

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Please forward to ARCOM and Town Council.

Dear ARCOM

Members and Town Council,

The new owner of Tiffany's building-Fortress Investment Group is a private equity company. They paid 20 million for one of the most iconic buildings in Palm Beach. Now they are asking to add a 3rd story apartment to the building as well

>

> as to concert the existing 2nd story to an apartment.

> It is slippery slope for the Council to allow this special exception for a third story as it will set a precedent for all smaller buildings on Worth Ave and throughout this area.

> The Mid-Worth Avenue development guidelines specifically say that the one- and two-story street fronts are to be maintained at the street level. How can adding a third story that has facades on both Worth Ave and Hibiscus possibly not be seen from the street level which is what the guidelines mandate? Do we really want every one and two story building on Worth and Peruvian to demand these same changes which will result in the exact opposite of what the guidelines specifically are trying to preserve in this historic and beautiful area?

> Remember the Frisbies just bought 125 Worth and wanted to add two more stories? They withdrew the application possibly to wait for more propitious timing. Granting the Tiffany special exception could be just what is needed to establish precedent.

> Preservation of this beautiful street in its original scale is integral to the charm and the essence of Palm Beach.

> Anne Pepper

333 Seaspray Ave

>

> <http://docserver.townofpalmbeach.com/TownClerkWebLink/DocView.aspx?id=3891950&page=2&searchid=0b6e2533-e96d-43a2-9f59-cd6ab142b152>

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00226 SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Karen Lehrman Pravias, Applicant, relative to property located at **225 EVERGLADE AVE SUITE: 1**, legal description on file, is described below. The applicant is requesting Site Plan Review pursuant to Section 134-942 to propose the removal of an existing 120 square foot awning and to replace it with a 192 square foot awning along the south side of the condominium unit, which will require the following variances: 1. Section 134-948 (5) -front yard setback of 17.33 feet in lieu of the 25 foot minimum required for multifamily use in the R-C Zoning District. 2. Section 134-948 (6) - West side yard setback of 14.84 feet in lieu of the 20-foot minimum setback required for multifamily use in the R-C Zoning District. 3. Section 134-948 (9) -Lot coverage of 41.34% in lieu of the 41.17% existing and the 30% maximum allowed for multifamily use in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated October 24, 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: November 13, 2019

To: Mayor and Town Council

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

Subject: **Z-19-00226 SITE PLAN REVIEW WITH VARIANCE(S)**
225 EVERGLADE AVE SUITE: 1

Date: October 24, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is requesting site plan review pursuant to Section 134-942 to propose the removal of an existing 120 square foot awning and to replace it with a 192 square foot awning along the south side of the condominium unit which will require the following variances: 1. Section 134-948 (5) -front yard setback of 17.33 feet in lieu of the 25 foot minimum required for multifamily use in the R-C Zoning District. 2. Section 134-948 (6) -West side yard setback of 14.84 feet in lieu of the 20 foot minimum setback required for multifamily use In the R-C Zoning District. 3. Section 134-948 (9) -Lot coverage of 41.34% in lieu of the 41.17% existing and the 30% maximum allowed for multifamily use in the R-C Zoning District.

ADDRESS: 225 EVERGLADE AVE SUITE: 1

OWNER: PRAYIAS KAREN LEHRMAN

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-15-31-000-0010

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ISLAND VILLAS COND UNIT 1

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: 9/18/19

APPLICATION NO.: Z-19-00226 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 225 EVERGLADE AVE SUITE: 1

DESCRIPTION:

The applicant is requesting site plan review pursuant to Section 134-942 to propose the removal of an existing 120 square foot awning and to replace it with a 192 square foot awning along the south side of the condominium unit which will require the following variances: 1. Section 134-948 (5) -front yard setback of 17.33 feet in lieu of the 25 foot minimum required for multifamily use in the R-C Zoning District. 2. Section 134-948 (6) -West side yard setback of 14.84 feet in lieu of the 20 foot minimum setback required for multifamily use In the R-C Zoning District. 3. Section 134-948 (9) -Lot coverage of 41.34% in lieu of the 41.17% existing and the 30% maximum allowed for multifamily use in the R-C Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	10/24/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	11/1/2019	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	10/28/2019	There are no fire code concerns with this application.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Manager	10/29/2019	The applicant will need to submit an Architectural Commission (ARCOM) administrative or "staff" approval permit request for the proposed awning.
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	10/25/2019	No comments
PZB - ZONING	Paul Castro, Zoning Manager	10/24/2019	I have no comment on this de minimus request.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00227 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Brett and Meaghan Barakett, Applicant, relative to property located at **130 BARTON AVE**, legal description on file, is described below. The Applicant is proposing to construct a two story, 1,597 square foot addition (not including mechanical basement) and a 1,715 square foot basement. The addition is to be the same height and overall height of existing home, but the addition requires the following variance requests: 1. a height of 24.4 feet in lieu of 22 feet maximum permitted (Section 134-893(10)); 2. An overall height of 29.2 feet in lieu of 25 feet maximum for a flat roof residence (Section 134-893(10); and 3. A rear building height plane height of 24.4 feet in lieu of 22 foot maximum (Section 134-893(8).

[Applicant's Representative: Tim Hanlon Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions relating to the architecture. Carried 7-0]

Presenter

ATTACHMENTS:

- **Memorandum Dated October 24, 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: November 13, 2019

To: Mayor and Town Council

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

Subject: **Z-19-00227 VARIANCE(S)**
130 BARTON AVE

Date: October 24, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

The Applicant is proposing to construct a two story, 1,597 square foot addition (not including mechanical basement) and also a 1,715 square foot basement. The addition is to be the same height and overall height of existing home, but the addition requires the following variance requests: 1. a height of 24.4 feet in lieu of 22 feet maximum permitted (Section 134-893(10)); 2. an overall height of 29.2 feet in lieu of 25 feet maximum for a flat roof residence (Section 134-893(10)); and 3. a rear building height plane height of 24.4 feet in lieu of 22 foot maximum (Section 134-893(8)).

ADDRESS: 130 BARTON AVE

OWNER: BARAKETT BRETT & MEAGHAN

OWNER'S REPRESENTATIVE: ALLEY MAASS ROGERS AND LINDSAY PA

PROPERTY CONTROL NO.: 50-43-43-22-05-000-0290

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PRIMA VERA ESTS /OCEAN SEC/ LTS 29 TO 31
INC

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: 9/18/19

APPLICATION NO.: Z-19-00227 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 130 BARTON AVE

DESCRIPTION:

The Applicant is proposing to construct a two story, 1,597 square foot addition (not including mechanical basement) and also a 1,715 square foot basement. The addition is to be the same height and overall height of existing home, but the addition requires the following variance requests: 1. a height of 24.4 feet in lieu of 22 feet maximum permitted (Section 134-893(10)); 2. an overall height of 29.2 feet in lieu of 25 feet maximum for a flat roof residence (Section 134-893(10)); and 3. a rear building height plane height of 24.4 feet in lieu of 22 foot maximum (Section 134-893(8)).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	9/24/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	11/1/2019	Stormwater Management System proposed for the site meets the Town's level of service. Contact Steven Stern (561) 227-6307 regarding a 10-foot undergrounding easement across the frontage of the property.
FIRE RESCUE DEPARTMENT			No Comment
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	10/29/2019	The Landmarks Preservation Commission recommended approval of the requested variances at their October 18, 2019 meeting.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	9/25/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	10/29/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	9/24/2019	The proposed changes are minimal. In order to match up with the existing house the applicant needs the height and overall height relief to match the landmark house.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Any Other Matters

Agenda Title

Discussion to Consider Section 66-236 to Require Town Approval of Removing Landscape Buffers

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated October 17, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Section 66-236, Landscape Code Revision**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Revision to Sec. 66-236 to Require Town Approval of Removing Landscape Buffers

Date: October 17, 2019

STAFF RECOMMENDATION

Staff recommends Town Council consider and forward to the Ordinances, Rules and Standards (ORS) Committee for their review, the attached proposed code change, which addresses the removal of landscape buffers on a property. The proposed code change will require Architectural Commission or Landmarks Preservation Commission (if applicable) approval to remove any landscape material that is 30 inches or higher, and within 10 feet of a property line; the code revision also requires a vegetation removal permit for the removal of this landscape buffer material.

GENERAL INFORMATION

Over the past several years there have been instances in the Town where a property owner has removed a hedge or other landscape material along their property line, and thereby eliminated the privacy enjoyed by both property owners. While this is a somewhat rare occurrence, it has occurred with enough frequency to become an issue that Town staff would like to address.

To better ensure that the privacy between property owners is maintained within the Town, staff has drafted a succinct code revision that requires a vegetation removal permit to remove a landscape buffer, or a portion of a landscape buffer. Prior to the vegetation removal permit being issued, a property owner must obtain approval for the removal of the vegetation from the Architectural Commission or the Landmarks Preservation Commission (if applicable). Staff will require the normal notice for the Commission application so that any affected neighbor will have an opportunity to address the Commission regarding the removal of the vegetation. In limited cases, staff may administratively approve the removal of the vegetation on behalf of the Commission if replacement material of the same size and opacity is also proposed.

cc: Wayne Bergman, Asst. Director of Planning, Zoning & Building
John C. Randolph, Town Attorney

Sec. 66-236. - Application procedure for vegetation removal permit.

(a) *Removal permits.* Vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.

(b) *Circumstances justifying issuance.* Vegetation removal permits shall be issued in the following circumstances:

- (1) Where a tree, due to natural circumstances, is no longer viable, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard;
- (2) Where the affected vegetation will be relocated, replaced with a suitable substitute tree, or otherwise preserved, with the exception of mangroves, which are regulated elsewhere in this chapter; or
- (3) Where tree removal is part of a plan to restore or encourage native shoreline species, either on the coastal strand, as described in section 66-81 et seq., resolution number 37-89, or along Lake Worth, as described in article III of this chapter.
- (4) Where vegetation buffers (hedges and/or trees) that are 30 inches in height or greater, and are within 10 feet of any side, rear, street-side or street-rear property line, are removed and result in the loss of opacity of the existing screening. Approval from the Architectural Commission or Landmarks Preservation Commission (if applicable) for the removal of the vegetation buffer or buffers must be obtained prior to the issuance of a vegetation removal permit. In limited cases, administrative or "staff" level approval may be done when equal or greater replacement landscape material is proposed to replace the vegetation removed, and thereby maintaining the landscape buffer or buffers opacity.

(c) *Permit issuance and time limitations.* Upon approval of an application, the building official or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance.

(Code 1982, § 11.5-21)

TOWN OF PALM BEACH

Town Council Meeting Development Review on: November 13, 2019

Section of Agenda

Any Other Matters

Agenda Title

Discussion of Previous Vote and Reconsideration of Request from O'Conner Property Management on Behalf of Wilson 151 Worth, LLC, to Release the 1998 Use Agreement Requirements for 152 Peruvian Avenue

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated October 31, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **1998 Declaration of Use Agreement**
- ▣ **1998 Unity of Title Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

To: Mayor and Town Council

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

Re: Discussion of Previous Vote and Reconsideration of Request of O'Conner Property Management of Behalf Wilson 151 Worth, LLC, to Release the 1998 Use Agreement Requirements for 152 Peruvian Avenue

Date: October 31, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council rescind its vote regarding the release of the requirement in the Declaration of Use to keep the 152 Peruvian Avenue lot vacant and reserved for Neiman Marcus parking.

GENERAL INFORMATION

On October 10, 2019, the Town Council approved a request by Wilson 151 Worth, LLC, to release the condition of approval in the Declaration of Use Agreement for Neiman Marcus requiring 152 Peruvian Avenue to remain a landscape area and reserved for twenty parking spaces. The twenty parking spaces were for overflow Neiman Marcus parking if needed in the future. Staff has subsequently determined that to change that condition, that the Neiman Marcus Declaration of Use Agreements and Unity of Title Agreement (copies attached) cannot be modified without filing and obtaining approval of a zoning application. The property owner will have to modify the Neiman Marcus site plan review, special exception and variance approvals and seek relief from required off-street parking, the minimum landscape open space and first and second floor lot coverage zoning requirements.

Staff recommends the Town Council rescind its October 10th vote. If the property owner wants to pursue a change in the condition related to the vacant lot at 152 Peruvian Avenue, they will need to file and obtain approval of the modifications identified above.

Attachments

22

Aug-13-1998 04:01pm 98-314737
ORB 10579 Pg 1542

Dated: June 11, 1998

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THE LAND 14

EXHIBIT "B"

400 SOUTH COUNTY ROAD 15

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this 19th day of June, 1998 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town"); and the WORTH AVENUE ASSOCIATES, LTD., a Pennsylvania limited partnership, c/o The Goodman Company, 777 South Flagler Drive, West Palm Beach, Florida 33401 (hereinafter called "Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Land") is located within the municipal limits of the Town;

WHEREAS, a portion of the Land is owned by the Owner, a portion by Murray H. Goodman, and the balance is under contract to purchase by Owner. Title to all of the Land will be held by Owner;

WHEREAS, the parcel of property at 400 South County Road as described in Exhibit "B" attached hereto and made a part hereof (hereinafter "400 South County") is located within the municipal limits of the Town and is owned by Owner;

WHEREAS, the Land is zoned C-WA, Commercial Worth Avenue and retail and office uses are allowable uses within such zoning category;

WHEREAS, 400 South County is zoned C-TS, Commercial Town Serving and retail and office uses are allowable uses within such zoning category;

WHEREAS, Owner owns the property at 150 Worth Avenue known as the "Esplanade";

WHEREAS, the Town Council approved on June 4, 1998 Special Exceptions for retail and accessory office uses on the Land by Neiman Marcus ("Neiman's") subject to the conditions set forth herein and the approval of this Agreement, and on the basis of the specific finding of the Town Council that the approval of the Special Exceptions, in compliance with said conditions, will not be adverse to the public interest and upon a finding of the Town Council that the applicable provisions of the Town Code governing the use of the Land and special exceptions have been met;

WHEREAS, the Town Council approved on June 4, 1998 the Site Plan for the Special Exceptions, subject to the conditions set forth herein and the approval of this Agreement, and on the basis of the specific finding of the Town Council that the approval of the Site Plan, in compliance with said conditions, will not be adverse to the public interest, and upon a finding by the Town Council that the applicable provisions of the Town Code governing the use of the Land and site plans have been met;

WHEREAS, the Town Council approved on June 4, 1998 certain Variances, subject to the conditions set forth herein and the approval of this Agreement, and on the basis of the specific finding of the Town Council that the necessary hardships exist, and that the approval of the Variances, in compliance with said conditions, will not be adverse to the public interest, and upon a finding by the Town Council that the applicable provisions of the Town Code governing the use of the Land and variances have been met;

WHEREAS, in approving the Special Exceptions, Site Plan, and Variances, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, as well as to insure that said use shall not be adverse to the public interest; and

WHEREAS, all of the representations made herein are true and accurate and the granting of the Special Exceptions and Site Plan review are conditioned upon the representations made herein and all of the conditions herein imposed.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I

RECITALS

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II

REPRESENTATION OF OWNERSHIP

Owner has full right to enter into this Agreement and to bind the Land and 400 South County and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land and 400 South County in accordance with the terms and conditions of this Agreement. No consent to execution,

delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Land or 400 South County are subject.

ARTICLE III

RETAIL AND ACCESSORY OFFICE USES

The use of the Land shall be for retail uses with accessory office for Neiman Marcus in compliance with all of the information and exhibits included in the application, not inconsistent with the terms and conditions set forth herein, set forth in the application submitted to the Town for Site Plan Review No. 3-98 with Special Exception and Variances, as amended and approved by Town Council on June 4, 1998 (hereinafter referred to as the "Approval"). Any usages not specifically set forth in the Approval are excluded from the Town's approval of the Plan pursuant to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon new application to and approval by the Town Council. Any additional uses of the Land shall be subject to approval by the applicable governmental authority including but not limited to the Town Council of the Town, the Architectural Review Commission of the Town, Palm Beach County, the State of Florida, the United States Government, and/or any agencies under any of the foregoing governmental authorities.

ARTICLE IV

CONDITIONS

1. The Land is approved for a building of 48,661 gross square feet with three stories above ground, two levels of underground parking, surface parking on the adjacent Peruvian Lot (if required by Town), and the floor plate square footages and configurations as shown on the plans prepared by The Lawrence Group, architects, dated May 27, 1998 (hereinafter the "Building").
2. Owner shall be responsible for providing, at no cost to the Town, a mobile off-duty police officer to manage traffic flow on all of Worth Avenue at the direction of the Town's Chief of Police from November 1 through April 30 of each year.

3. Neiman's, or its valet operator, shall provide a valet traffic control supervisor in addition to car parking personnel during normal customer store hours from November 1 through April 30 of each year to ensure the proper operation of the valet service at the Building garage.
4. Neiman's shall require that its employees not park on the streets in the Town. In furtherance of this condition, parking for Neiman's employees shall be provided at no expense to the employees. Neiman's employees shall be required to park in either the Building garage on the Land, on the Peruvian Lot (should it be constructed), in any other garage or parking facility on the Island (excluding on-street parking spaces), or off-Island, and shall be allowed to self-park in the Building garage.
5. The Building garage shall be subject to a deed restriction providing for valet parking only except for building employees. Such deed restriction shall be satisfactory to the Town Attorney as to form and content, and shall be recorded in the Public Records of Palm Beach County prior to the issuance of the last certificate of occupancy for the Building.
6. The valet parking tickets of Neiman's customers who park in the Building garage shall be validated by Neiman's at the customer's request.
7. In order to encourage parking garage use, the hourly parking rate at the Building garage and the Esplanade garage from November 1 through April 30 of each year shall be 15% less than that charged as of November 1 of each year at the existing parking lot located at Hibiscus and Peruvian Avenues during the same period of time.
8. Shared parking proposals will be given good faith consideration by Neiman's for the use of the Building garage (but not the Peruvian Lot) after store hours.
9. Deliveries of merchandise to the Building shall be restricted to the hours of 8:30 A.M. to 10:30 A.M., or such other reasonable hours as determined by the Town in consultation with Neiman's.
10. The hours during which Neiman's will be open to customers shall be consistent with the practice of the majority of Worth Avenue merchants, but in no event shall Neiman's be precluded from serving customers between the hours of 10:00 A.M. to 6:00 P.M. Monday through Saturday.
11. Neiman's use of the property and marketing efforts relating to said use shall be conducted in a manner so as to preserve the Town serving nature of the property as defined by the Town's Zoning Code. Annually, Neiman's shall

provide a certificate to the Town documenting the Town serving nature of the store, describing therein those facts and activities which qualify the property as Town serving as defined by the terms of the Town's Zoning Code.

12. During construction:

- a. an off-duty police officer shall be provided by Owner at no cost to the Town to direct traffic during construction activities in the 100 block of Worth Avenue at the direction of the Chief of Police;
- b. a delivery coordinator ("Yard Manager") shall be employed by the Owner to coordinate all deliveries and related matters with the Police Department and other appropriate departments of the Town. This person shall be in addition to a resident building inspector;
- c. construction workers shall be parked outside of the Town and bused to the site, until the Building garage is completed, at which time they shall park in the garage. Management personnel shall be parked in the Esplanade garage or in the Building garage when that garage is completed.

13. Construction of the twenty (20) surface parking spaces on the Peruvian Lot shall be delayed until such time as the Town determines that such spaces are needed to satisfy the parking demands of the Building. In the meantime, the Peruvian Lot shall be landscaped with grass, trees, and a hedge along the east, west, and north sides. Said grass, trees, and hedge shall be to the satisfaction of the Town.

14. In the event, that the line of automobiles queuing at the Building garage entry extends into Worth Avenue blocking pass-by traffic so often that it is more of a regular occurrence than an occasional one, the Council shall have the authority to require that remedial action be taken to prevent such frequent occurrences including, but not limited to, an increase in the number of valet personnel or the relocation of the valet station to the first level of the Building garage. Prior to requiring any such action, the Town shall notify the Owner and Neiman's of its intention to initiate action under this condition, the reasons therefore, and shall give Owner and Neiman's a reasonable time to address the problem asserted by the Town.

15. Owner shall convey title to the Town without cost of the property at 400 South County Road. Town shall use said property for Town park uses or other Town uses. No such uses shall be for the benefit of commercial or residential uses and/or enterprises. Said conveyance shall be placed in escrow within ten (10) days of the issuance of a building permit for the above ground Building and shall

not be released to the Town from escrow until the final certificate of occupancy for the Building has been issued by the Town. Once conveyed, said property shall not be reconveyed or leased to a non-governmental entity.

16. Town accepts the Owner's offer to establish a college scholarship fund to assist the children of "Town Persons," as that term is defined in the Town's Code of Ordinances, in need of financial assistance with some of the costs of their college education. Said fund shall be comprised of a portion of the rent generated by the Building authorized by the Approval. The amount of money placed in the fund shall be at the sole discretion of the Owner as shall be the number and amounts of said scholarships.
17. Owner shall plant a twenty (20) foot high hedge along the north side of the Building to buffer and screen Neiman's from the neighboring residential properties to the north. Owner shall maintain said hedge at a height of twenty (20) feet in perpetuity.

ARTICLE V

UNITY OF TITLE

The Land, described herein, shall be considered as one (1) parcel and no portion thereof may be sold, transferred, devised or assigned except in its entirety, either voluntarily or involuntarily, by operation of law or otherwise, unless said unity of title is released by the Town or otherwise modified by agreement between the Owner and the Town. This provision shall not preclude the dedication of right-of-way for road improvements required by a governmental authority or utility easements. Said unity of title shall be satisfactory to the Town Attorney as to form and content, and shall be recorded in the Official Records of Palm Beach County, Florida, prior to the issuance of a building permit for the Buildings; provided, however, this shall not preclude the issuance of demolition or site preparation permits in advance of said execution and recording.

ARTICLE VI

ARCADE EASEMENTS

The Town shall convey to Owner within thirty (30) days of the Effective Date of this Agreement an easement for the portions of the arcades authorized by the Approval and by the Town's approval of the Owner's application for Site Plan Review No. 4-98 with Special Exception and Variance (hereinafter "Esplanade Renovation") which are to be

located on Town property. Said easement shall be recorded by Owner at Owner's expense in the Official Records of Palm Beach County, Florida.

ARTICLE VII

INDEMNIFICATION

Owner hereby agrees to indemnify, save, defend, and hold harmless the Town, its representatives, employees, consultants, officers, and assigns at Owner's expense against any damage claims for injury to persons or property arising from the variances granted as part of the Approval for parking stall sizes, parking aisle widths, arcade roof overhangs for the Building and the Esplanade, and from the use of Town property for a portion of the arcade authorized by the Approval and a portion of the arcade approved by the Town for the Esplanade Renovation. Notwithstanding anything to the contrary herein contained, the Town agrees that the partners of Owner and Murray H. Goodman, personally, shall not have any personal liability with respect to the provisions of this Indemnification or any other provisions of this Agreement, and the Town shall look solely to the estate and property of Owner in the Land and Buildings comprising the Property for the satisfaction of the Town's remedies including, without limitation, the collection of any judgment (or other judicial process) requiring the payment of money by Owner with respect to any of the terms and provisions of this Agreement to be observed and/or performed by Owner and no other assets of Owner shall be subject to levy, execution or other judicial process for the satisfaction of the Town's claim, and in the event the Town obtains a judgment against Owner, the judgment docket shall be so noted. Owner shall name Town as an additional named insured under Owner's insurance policy covering the Land and Building, and shall provide the Town with a certificate of such policy evidencing that the Town is an additional named insured to the full extent to which Owner is insured, but not less than ten million dollars (\$10,000,000), primary and umbrella coverage cumulatively, and said coverage shall be maintained in perpetuity (i.e., as long as any of the Variances remains in effect or any portion of the arcades remain on Town property.

ARTICLE VIII

APPLICATION TO NEIMAN MARCUS

Owner shall ensure by a legally enforceable document that Neiman Marcus will comply with all of the applicable provisions of this Agreement. A memorandum of said document shall be satisfactory to the Town Attorney as to form and content and shall be fully executed and recorded in the Official Records of Palm Beach County before issuance of a building permit for the Building; provided, however, this shall not preclude the issuance of demolition or site preparation permits in advance of said execution and recording.

ARTICLE IXASSIGNMENT

Owner may assign this Agreement as to its interests in the Land and Building at its sole discretion. Prior to such assignment, Owner shall notify Town in writing of the pending assignment.

ARTICLE XRELEASE OF UNITY OF TITLE

Town shall execute and provide to Owner within ten (10) days of the Effective Date of this Agreement a Release of the Unity of Title on the existing park at 137 Worth Avenue recorded at Official Record Book 4082, Page 827, as amended in Official Record Book 6654, Page 700, Palm Beach County, Florida. Said Release shall be recorded at Owner's expense in the Official Records of Palm Beach County, Florida.

ARTICLE XIVOLUNTARY AGREEMENT

The terms and conditions set forth in the Approval and this Agreement are agreed to voluntarily by Owner, Owner agrees to be bound by them, and Owner waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE XIIREMEDIES FOR VIOLATION

The Town and Owner shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to: (a) the Town's code enforcement procedures in the Code of Ordinances through the Code Inspector, Code Enforcement Officer, and Code Enforcement Board; (b) the Town may initiate action to revoke the occupational license pursuant to applicable provisions of the Town Code, (c) all remedies otherwise offered in the Town's Code of Ordinances; and (d) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County or the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this

Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the prevailing party shall be entitled to recover its costs, expenses and reasonable attorneys' fees either before or as a result of litigation, including appeals.

ARTICLE XIII

PROVISIONS TO RUN WITH LAND/RECORDING

This Agreement shall run with the Land and shall be binding upon the Owner and their respective heirs, legal representatives, successors and assigns. This Agreement shall be recorded by Town in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Agreement shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE XIV

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE XV

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which Owner records in the Official Records of Palm Beach County, Florida, title in Owner to all of the Land.

ARTICLE XVI

MISCELLANEOUS

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

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

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

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

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

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

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
in the presence of:

Susan Eithorn
Betty B. Cotton

Mary R. Pellett
Marian Kasserer

Linda George
Cindy Cousins

TOWN OF PALM BEACH

By:

Paul R. Ilyinsky
Paul R. Ilyinsky, Mayor

By:

Lesly S. Smith
Lesly Smith, President
Town Council

By:

Peter B. Elwell
Peter B. Elwell
Acting Town Manager

Deanne McGavin
Blanca Stull

WORTH AVENUE ASSOCIATES, LTD.

By: Murray H. Goodman
 Murray H. Goodman
 General Partner

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th day of June, 1998, by Paul R. Ilyinsky, the Mayor of The Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



MARION STROHL
 COMMISSION # CC586483
 EXPIRES SEPT 18, 2000

Marion Strohl
 Signature of Notary Public

MARION STROHL
 Printed Name of Notary Public

Commission No.: CC 586 483

Commission Expires: 9.18.2000

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th day of June, 1998, by Lesly Smith, the President of the Town of Palm Beach, a Florida

municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.



Marion Strohl
Signature of Notary Public

MARION STROHL
Printed Name of Notary Public

Commission No.: CC 586 483

Commission Expires: 9.18.2000

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th day of June, 1998, by Peter B. Elwell, the Acting Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Marion Strohl
Signature of Notary Public

MARION STROHL
Printed Name of Notary Public

Commission No.: CC 586 483

Commission Expires: 9.18.2000

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 12th day of June, 1998, by Murray H. Goodman, the General Partner of Worth Avenue

Associates, Ltd., a Pennsylvania limited partnership, on behalf of the partnership. He is personally known to me ~~or has produced his Florida Driver's License Number~~ as identification and he did not take an oath.

Minnie S. Geist

Signature of Notary Public

MINNIE S. GEIST

Printed Name of Notary Public

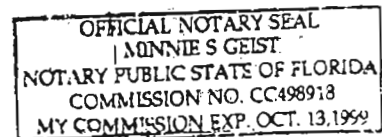
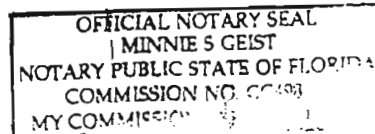
Commission No.: CC 498918

Commission Expires: Oct. 13, 1999

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF PALM BEACH

By:

[Signature]
John C. Randolph, Esquire



RECOMMEND APPROVAL.

[Signature], 1998
[Signature]

Robert L. Moore, Director of
Planning, Zoning & Building

[Signature], Zoning Administrator 6/18/98

349956

Exhibit "A"

Legal Description of the Land

Parcel 1:

Lots 52 through 55, inclusive, Block 16, Royal Park Addition to the Town of Palm Beach, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, Plat Book 4, Page 1.

Parcel 2:

Lots 13, 14 and 15, Block 16, and Lots 56, 57, 58 and 59, Block 16, Royal Park Addition to the Town of Palm Beach, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 4, Page 1.

Parcel 3:

Lots 49, 50 and 51, Block 16, Royal Park Addition to the Town of Palm Beach, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 4, Page 1.

EXHIBIT "B"

400 SOUTH COUNTY ROAD

Lots-22, 23, 24, 25, 26 and 27 of Block 15 of the Royal Park Addition to Palm Beach, Florida, as shown on a revised map now filed with the Clerk of the Circuit Court of Palm Beach County, Florida, in Plat Book 4, Page 1.



I certify this document to be a true copy of the record in my office
this FIRST day of SEPTEMBER, 2000

DOROTHY H. WILKEN, Clerk of Court, Palm Beach County, FL

By _____ Deputy Clerk

GY
GS

22 J

R. Graham

350744

1093A

Aug-13-1998 04:01pm 98-314742

ORB 10579 Pg 1575

I HEREBY ACKNOWLEDGE THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT

This Instrument prepared by:
Robert M. Graham, Esquire
Gunster, Yoakley, Valdes-Fauli & Stewart, P.A.
777 South Flagler Drive, Suite 500 East
West Palm Beach, Florida 33401

Parcel Identification Number:
50-43-43-27-01-015-0110

UNITY OF TITLE AGREEMENT

THIS UNITY OF TITLE AGREEMENT ("Agreement") is made and entered into as of this 10th day of August, 1998, by 151 Worth Avenue Partnership, Ltd., a Florida limited partnership ("Owner"), whose mailing address is 777 South Flagler Drive, Suite 1100 East, West Palm Beach, Florida 33401.

RECITALS

WHEREAS, Owner is the fee simple title holder of the following described property situated, lying and being in the Town of Palm Beach, Palm Beach County, Florida ("Property"):

Lots 13, 14 and 15, Block 16, and Lots 49 through 59, inclusive, Block 16, Royal Park Addition to the Town of Palm Beach, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 4, Page 1.

WHEREAS, Owner has been granted approval of Site Plan Approval # 3-98 with special exceptions and variances by the Town of Palm Beach, Florida ("Town") to construct a retail building on the Property; and

WHEREAS, it is the desire of the Owner, in consideration for the receipt of approval from the Town to construct a retail building on the Property, to create this Unity of Title unifying the Property into one single lot.

NOW, THEREFORE, in consideration of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner agrees as follows:

- I. All of the Property shall be considered as a single parcel.

2. Owner will not convey legal title to any portion of the Property separately from the whole of the Property.

3. This Agreement shall be a covenant running with the Property and shall be binding upon the Owner, its heirs, personal representatives, successors and assigns, and shall constitute notice to all persons whomsoever of the terms and provisions herein set forth.

4. This Unity of Title shall be for the benefit of the Town and shall be enforceable by the Town.

IN WITNESS WHEREOF the Owner has executed and entered into this Agreement as of the date set forth above.

Signed, sealed and delivered
in the presence of:

OWNER:

151 WORTH AVENUE PARTNERSHIP,
LTD., a Florida limited partnership

By: NORTH WORTH, LCC, a Florida
limited liability company, general
partner

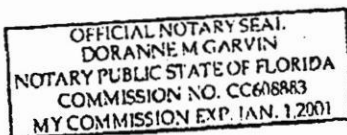
By: Murray H. Goodman
Murray H. Goodman,
Managing Member

Eleanor O'Neill
Print: ELEANOR O'NEILL

Carolyn Sears
Print: CAROLYN SEARS

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 10th day of August, 1998, by Murray H. Goodman, managing member of North Worth, LCC, a Florida limited liability company, the general partner of 151 Worth Avenue Partnership, Ltd., a Florida limited partnership, on behalf of the partnership. The above-named individual ☒ is personally known to me or ☐ has produced _____ as identification.



(Notary Seal)

Doranne M. Garvin
Print Name: DORANNE M. GARVIN
Notary Public
State of Florida
Commission Number: CC 608883
My Commission Expires: 1-1-01



STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the
foregoing is a true copy
of the record in my office.

THIS 1st DAY OF September, 2000
DOROTHY H. WILKEN,
CLERK OF CIRCUIT COURT

By

Susan Allison

Deputy Clerk