



L E T T E R O F I N T E N T

DATE: November 28, 2023
TO: Town of Palm Beach, Planning, Zoning & Building Dept.
RE: ZON-24-00x 2730 S OCEAN BLVD

Future Land Use (“FLU”):	Multi-Family High Density (“ MF ”)
Zoning District:	R-D(2) High Density Residential District (“ R-D(2) District ”)
Municipality:	Town of Palm Beach (“ Town ”)

REQUEST

On behalf of Palm Beach Ambassador Fee Borrower LLC (“**Applicant**”), Shutts & Bowen LLP (“**Agent**”) submits this request for a Zoning Code of Ordinances (“**Code**”) Text Amendment. Specifically, the request is to amend the Code to modify the text in Sections 134-1060, 134-1062, 134-1064, and 134-2 of the Code applicable to the R-D(2) District as follows:

- Sec. 134-1060(5)(d) – to allow an exemption for the front yard setback in an effort to allow flexibility and promote redevelopment for existing multifamily uses specific to lots located south of Sloan’s Curve and north of Lake Worth Road.
- Sec. 134-1060(9)(g) – new text added to allow an exemption for balconies and garages below grade to not be included in the calculations for lot coverage.
- Sec. 134-1060(12) – new text added to address enclosures below the point of measurement.
- Sec. 134-1062(1) – to allow balconies to encroach into yard setbacks provided there is a minimum thirty-foot setback between the property line and edge of the balcony.
- Sec. 134-1062(8) – new text added to allow for rooftop amenities.
- Sec. 134-1062(9) – new text added to increase the maximum dimension of a building from 175 feet to 195 feet.
- Sec. 134-1064 – new text added to allow for a lot coverage special exception for an additional 5% lot coverage provided that the project includes a minimum of three out of the six incentives listed.
- Sec. 134-2 – provide for text that allows for flexibility in where the term *Story* is defined in the Code.

A copy of the proposed Text Amendment is attached hereto as **Exhibit “A”** with new text underlined and deleted text in ~~strikethrough~~ format.

BACKGROUND

The Code was originally adopted in 1974, which is almost 50 years ago. It has and continues to face a number of challenges during that time period. Properties proposed to be redeveloped must either comply with antiquated Code requirements, or seek variances for the simplest deviations from the Code. There are even instances where the Code conflicts with the current Florida Building Code making it a public safety issue. It’s situations like these that creates the need for requests for multiple variances, since it is the only option to deviate from a Code requirement, which as noted above is antiquated and challenging on its own. Although there have been amendments to the Code in the last 50 years, it is in dire need of a complete update in order to be more consistent with the current regulations, including the Florida Building Code which itself is frequently amended to keep up with modern day construction and public safety requirements.

Fortunately, the Town has finally initiated a complete study and re-write of the Code, but unfortunately, the process is quite lengthy and may take a year or more to complete.

The Applicant has a viable proposal to redevelop the properties located at 2720 and 2730 S. Ocean Boulevard (“**Site**”). The Site is zoned R-D(2) and currently developed with dated multifamily buildings. The Site is located south of Sloan’s Curve and north of Lake Worth Road, an area dominated with dated multifamily buildings and known as ‘Condo Row’.

The Applicant proposes to redevelop the Site with newer buildings, updated architecture, new technology, and modern-day amenities. The project is being designed to comply with the Code, but as noted above, the Code does have challenges that creates the need for variances. As such, the Text Amendment is drafted so as to alleviate several variances created by the antiquated Code. Furthermore, the Applicant desires to move forward with the redevelopment of the Site prior to the Town’s re-write of the Code, and thus must obtain approval of this Text Amendment in an effort to reduce the number of variances that would be required.

The proposed Code Text Amendment was carefully drafted so as to preserve existing developments, not allow for increased intensity, and allow for some flexibility for redevelopment, while at the same time update the Code so that multiple variances are not required. As an example, lot coverage is customarily based on the typical building footprint on the ground level. The Code actually considers balcony overhangs and subgrade enclosures as part of the lot coverage calculation; even if the area above the subgrade enclosure is covered in soil and landscaping. Typically, balconies and subgrade enclosures do not count towards lot coverage.

The proposed Text Amendment is reasonable, appropriate, and within the scale and context of current and future developments in the R-D(2) District, while providing the flexibility needed to allow the Town and property owners to quickly adapt to redevelopment efforts. In addition, the proposed Code Text Amendment retains the existing framework of the Code that incorporates cohesive and consistent streetscape, orientation to street, the pedestrian environment, landscape, and design character.

EXHIBIT A

Proposed Code Text Amendment