



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

SECOND SUBMITTAL

DATE: January 10, 2024
TO: Town of Palm Beach, Planning, Zoning & Building Dept.
RE: ZON-24-00x 100 FOUR ARTS PLZ

Table with 2 columns and 3 rows: Future Land Use (FLU), Proposed Zoning District, Municipality. Values: Private Group Use (PGU), Cultural Institution District (CI District), Town of Palm Beach (Town).

REQUEST

On behalf of the Society of the Four Arts, Inc. (Applicant), Shutts & Bowen LLP (Agent) submits this request for a Zoning Code of Ordinances (Code) Text Amendment, and a Comprehensive Plan (Comp Plan) Text Amendment. Specifically, the request is to amend the Code to allow for a new CI District designed to implement the PGU FLU, a copy of which is attached hereto as Exhibit A; and to update the text in the Policy 2.3 of the Comp Plan by deleting text inconsistent with the PGU FLU, a copy of which is attached hereto as Exhibit B. Currently, there are no zoning districts that are consistent with the PGU FLU.

The Town assigned the Applicant's property and other properties a PGU FLU designation, but failed to create a zoning district consistent with the PGU FLU. As such, the Applicant proposes to create the CI District for that purpose and amend the text in the Comp Plan to ensure consistency with the CI District.

BACKGROUND

The Town has been forward thinking for almost 100 years. It adopted its first Plan in 1930, which had a goal to preserve and enhance the charming character of Palm Beach. However, in 1985, Florida adopted changes creating a new Local Government Comprehensive Planning and Land Development Regulation Act (Act) that required local governments to adopt a Comp Plan by 1989. The Act has very specific requirements which the Town's 1930 Plan could not satisfy. As such, the Town conformed with the requirements of the Act and adopted its Comp Plan in 1989, by which it is now guided.

It is not the intent of the Comp Plan to require the inclusion of implementing regulations, but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the Comp Plan and the principles that describe how the programs, activities, and land development regulations will be carried out.

Chapter 134 of the Code was adopted to establish comprehensive controls for the development of land in the Town based on the Comp Plan for the Town, and this chapter is enacted in order to protect, promote and improve the public health, safety, morals and the general welfare of the people.

Chapter 134, Article VI, Division 1 establishes the zoning districts which are designed to implement the FLU designations per the Comp Plan. It is within this section of the Code that there is no zoning district designed to implement the PGU FLU. As a result, the Applicant proposes these text amendments to add the new CI District designed to implement the PGU FLU.

EXHIBIT A

Proposed Code Text Amendment

ATTACHED SEPARATELY

DIVISION 16. CI CULTURAL INSTITUTION DISTRICT

Sec. 134-1482. Purpose

The purpose of the CI Cultural Institution district is to provide for uses such as museums, cultural institutions, and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of Town persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose and operated by a single not-for-profit cultural institution. A campus owned by a single not-for-profit cultural institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this Division and thus applied to the entire campus and not on an individual lot by lot basis.

Sec. 134-1483. Permitted uses.

The permitted uses in the CI Cultural Institution district are as follows:

- (1) Museums.
- (2) Art galleries.
- (3) Performing arts centers.
- (4) Cultural and art institutions.
- (5) Libraries.
- (6) Gardens (botanical and sculpture).
- (7) Not-for-profit cultural centers.

Sec. 134-1484. Accessory Uses.

The accessory uses in the CI Cultural Institution district shall be limited to those uses that are customary and incidental to the permitted or approved special exception uses, such as, but not limited to:

- (1) Accessory uses, such as, but not limited to, cooking facilities, lecture halls, and classrooms.
- (2) Offices and executive offices that directly support a permitted, accessory, or special exception use in the district, including the Garden Club of Palm Beach.
- (3) Storage facilities that directly support a permitted, accessory, or special exception use in the district
- (4) Limited residential dwelling unit(s) that directly support a permitted, accessory, or special exception use in the district.
- (5) Supplemental off-site parking related to a permitted, accessory, or special exception use in the district. See section 134-2177 for additional conditions and criteria.
- (6) On-site shared parking. See section 134-2182 for additional conditions and criteria.
- (7) Off-street parking and loading.

Sec. 134-1485. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the CI Cultural Institution district are as follows:

- (1) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (2) Accessory cafes, including outdoor seating, that are incidental to or that support a permitted, accessory, or special exception use in the district. Accessory cafes shall be to serve patrons of the cultural institution, shall not be advertised to the general public, shall not sell alcoholic

beverages, and shall have limited menus that reflect the café's purpose of supporting the patrons of the cultural institution. Formula restaurants and bars/lounges shall be prohibited.

- (3) Other cultural institution type uses not specifically enumerated under permitted uses in section 134-1483 or under accessory uses in section 134-1484, but having a bona fide cultural institution Town-Serving purpose with traffic, patronage, and intensity of use characteristics similar to those uses cited therein.

Sec. 134-1486. Reserved.

Sec. 134-1487. Reserved

Sec. 134-1488. Lot, yard and area requirements—Generally.

In the CI Cultural Institution district, the schedule of lot, yard and area requirements is as provided in this section, and for the purposes of this section, "adjoin" shall be defined as having a common property line or being separated only by a public right-of-way.

- (1) *Campus area.* The minimum area is seven acres or 304,920 square feet.
- (2) *Campus width.* The minimum width is 300 feet.
- (3) *Campus depth.* The minimum depth is 300 feet.
- (4) *Density.* No residential density is permitted other than the limited residential dwelling unit(s) permitted under Section 134-1484(5) of this Division.
- (5) *Front yard.*
 - a. When the front yard of a lot in the campus adjoins property zoned any non-residential district, there is no minimum front yard setback required.
 - b. When the front yard of a lot in the campus adjoins two or more intersecting street lines, there is no minimum front yard required.
 - c. When the front yard of a lot in the campus adjoins property zoned any R district, the following shall apply:
 - 1) For one-story buildings, the minimum front yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum front yard setback shall be 30 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the front yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height. In no case shall the front yard setback be less than 30 feet.
- (6) *Side yard.*
 - a. When the side yard of a lot in the campus adjoins property zoned any non-residential district, there is no minimum side yard required.
 - b. When the side yard of a lot in the campus adjoins property zoned any R district, the following shall apply:
 - 1) For one-story buildings, the minimum side yard setback shall be 12 ½ feet.
 - 2) For two-story buildings, the minimum side yard setback shall be 15 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the minimum side yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height.
- (7) *Rear yard.*
 - a. When the rear yard of a lot in the campus adjoins property zoned any non-residential district, the minimum rear yard setback shall be ten feet.
 - b. When the rear yard of a lot in the campus adjoins property zoned any R district, the following shall apply:
 - 1) For one-story buildings, the minimum rear yard setback shall be 25 feet.

2) For two-story buildings, the minimum rear yard setback shall be 30 feet.

3) For buildings that exceed two stories or 22 feet in height, the minimum rear yard setback shall be increased by one foot for each one foot of building height above 22 feet exceeding 22 feet in height.

(8) Separation from single-family use. No three-story buildings, or portion thereof, shall be permitted within 150 feet of a single-family use. Such distance shall be measured from the property line on which the single-family use is located to the building in the CI Cultural Institution district.

(9) Height and overall height.

a. For one-story buildings, the maximum building height is 15 feet.

b. For two-story buildings, the maximum building height is 30 feet.

c. In the CI Cultural Institution district, the maximum building height allowed by right is two stories, with provision for a special exception for three stories with a maximum building height of 45 feet. See special exception provisions in sections 134-226 through 134-233 (special exception use), and article III of this chapter (site plan review).

d. Maximum overall height of a building shall be measured as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(10) Lot coverage.

The maximum lot coverage for a campus shall be 30 percent.

(11) Length.

a. For one-story buildings, the maximum building length is 300 feet.

b. For two-story buildings, the maximum building length is 300 feet.

c. For three-story buildings, the maximum building length is 300 feet.

d. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(12) Landscaped open space.

The minimum landscaped open space for a campus shall be 25 percent. Not less than 35 percent of the required front yard must be landscaped open space unless a zero front yard setback is provided, then there shall be no required front yard landscaped open space.

(13) Floor area.

a. For one-story buildings, the maximum gross floor area of buildings is 20,000 square feet.

b. For two-story buildings, the maximum gross floor area of buildings is 50,000 square feet.

c. For three-story buildings, the maximum gross floor area of buildings is 50,000 square feet.

d. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Sec. 134-1489. Statue and/or sculpture.

Notwithstanding the requirements contained in section 134-1727 of the town's Code of Ordinances, the following statues or sculptures shall be permitted by right if located in the CI Cultural Institution district and shall not require the review and approval by the Landmarks Preservation Commission or the Architectural Commission:

1) Statues or sculptures nine feet or less in height, or

2) Statues or sculptures greater than nine feet and not visible from a public right-of-way.

Sec. 134-1490. Nonconforming buildings and structures.

In the CI Cultural Institution district, any building or structure located at a cultural institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued, except as otherwise provided in article IV.

Sec. 134-1491. Supplementary district regulations.

In addition to any other applicable sections of the town's Code of Ordinances that may prohibit or limit the use of a public right-of-way for commercial purposes, in the CI Cultural Institution district, no person shall use any portion of any adjacent public right-of-way within 150 feet of the cultural institution, for any commercial purposes, such as, but not limited to, film-making or movie producing, photography, or tours, without the prior written approval of the cultural institution, and from the town, if required.

Sec. 134-1492. Pre-special event and post-special event hours of quiet work.

The requirements of this section shall supersede the requirements contained in section 42-199 for hours of construction work. Quiet work related to the delivery, assembly, disassembly, and removal of any temporary structures such as tents or similar equipment related to a special event, is permitted on any weekday or weekend, including legal holidays, provided that all such work be performed only between 10:00 a.m. and 5:00 p.m. Quiet work includes the use of battery powered hand tools, but shall not include gas or electric plug-in powered equipment.

Sec. 134-1493. Signs.

- 1) In the CI Cultural Institution district, any sign located at a cultural institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued except as otherwise provided in article IV.
- 2) The town recognizes that different types of cultural institutions require different types of signs, sizes, and styles of signage. The Landmarks Preservation Commission shall approve a Master Sign Plan that specifies all signage by type, size, quantity, material, and placement throughout the cultural institution campus. Any change to an approved Master Sign Plan or changes to individual signs visible from a public street shall be approved by the Landmarks Preservation Commission.

The Master Sign Plan may include different types of signs, sizes, and styles. The design standards below may be considered, but shall not limit the design and placement of such signage:

a. Campus Identification Monument Signage

- 1) Any monument signage shall display the name of the cultural institution with a maximum lettering height of six inches.
- 2) Monument signs are permitted within the front yard setbacks provided that it does not conflict with the sight triangle requirements of section 134-1637.
- 3) Maximum height of the monument sign shall be four feet above the grade.

b. Campus Identification Portal/Gateway-Mounted Signage

- 1) One portal/gateway-mounted sign is allowed at main entrances such as driveways, intersecting roads, or other arrival points, identifying the name of the cultural institution with a maximum lettering height of three inches.

c. Building-mounted Building or Venue Identification Signage

1) One building or venue sign is allowed at each publicly accessible entrance to a building with a maximum lettering height of three and a half inches.

d. Wayfinding and Educational Signage

Free-standing or wall mounted signs identifying campus circulation or containing educational information is permitted but shall be limited as follows:

- 1) A maximum lettering height of three inches.
- 2) A maximum sign height of four feet above the grade.
- 3) A maximum sign width of two feet. e. Donor Signage

e. Donor signs are permitted but shall be limited as follows:

- 1) A maximum lettering height of three inches.
- 2) A maximum sign height of two feet above the grade.
- 3) A maximum dimension of 12 inches by 12 inches.

3) Additional sign regulations which may be applicable in the CI Cultural Institution district are contained in Division 3 of article XI of this chapter, but shall not be more restrictive than the sign regulations in this Section.

Sec. 134-1494 – 134-1500. Reserved.

EXHIBIT B

Proposed Comp Plan Text Amendment

ATTACHED SEPARATELY

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OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.3

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

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories.~~

~~b. Maximum lot coverage shall be 40%.~~

~~b. e.~~ In limited circumstances ~~(Commercial Worth Avenue (C-WA) zoning district),~~ the maximum building height ~~may~~shall be three stories (with Town Council approval).