

TOWN OF PALM BEACH

Town Council Meetings on: April 11, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning and Building

Re: Proposed Modifications and Changes to Chapter 134, Zoning,
Ordinance No. 4-2018

Date: March 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt modified Ordinance No.4-2018 at third reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its October 17, 2017, November 28, 2017, December 19, 2017 and January 22, 2018 meetings, recommended approval of proposed Zoning Code modifications as outlined herein.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its January 10, 2018 and February 14, 2018 Town Council meetings. The Council approved Ordinance No. 4-2018 at first reading on February 14, 2018. At the March 21, 2018 meeting, the Town Council directed Staff at second reading of the Ordinance to make two changes to the Ordinance. The first change allows appellants to file an appeal either electronically or in writing is Sec. 134-145 and the second change eliminates the words "with standing" after "affected party" in the language in Sec. 134-261(b) of the Code.

A brief description of the proposed zoning issues addressed in Ordinance No. 4-2018, including changes to the demolition threshold for nonconforming buildings and structures are as follows:

- Increasing the fees for additional variances, initial zoning text amendment proposals and Florida Department of Environmental Protection Permit Zoning compliance letters. Creating fees for unity of title agreements and kitchen agreements are also included.
- Clarifying when the clock starts for filing an appeal of an administrative decision; what is required to be submitted for an appeal; and changing existing language related to the appeal to ensure clarity.

- Creating Zoning Code provisions for Town Council review of initial Zoning Text Amendment Proposals and other minor modifications.
- Creating a different demolition threshold for when a nonconforming building or structure is required to meet Code, and allow additions exceeding 50% of the existing size of a nonconforming structure provided certain conditions are met.
- Conditionally allowing construction parking for Island related projects at private clubs located in Residential Zoning Districts in the Town.
- Allowing solar technology to cover as much roof as possible provided said materials are approved by the Architectural or Landmarks Preservation Commissions, whichever is pertinent.
- Allowing essential services, such as a municipal pump station, to be built west of Lake Trail.
- Clarifying the 5% cubic content ratio credit for unenclosed patios, loggias, porches and terraces. The change would allow those types of elements to be more than 5% of the maximum cubic content ratio allowed provided that the total cubic content does not exceed 5% of the maximum allowed for the house.
- Codifying an administrative determination that the 3% lot coverage credit for awning and open trellises does not count in cubic content ratio in the R-B Zoning District.
- Correcting a hotel density error which incorrectly states that hotel density in the C-B district is 22 units per acre when 26 units is correct. In addition, the word “dwelling” is eliminated because the density is hotel rooms and not dwelling units.
- Correcting a scrivener’s error in a Code title for the R-B district from “large estate” to “low density.”
- Allowing flexibility to allow swimming pool structures, including hot tubs, to exceed a height of more than six inches above grade to allow for infinity pools and waterfall hot tubs that spill into a pool.
- Removing inconsistent language, and consolidating and eliminating existing redundant language for tennis or shuffleboard courts and similar accessory uses.
- Correcting a scrivener’s error related to signs.
- Creating zoning regulations for tow-away signs on private property to eliminate proliferation of signs and to ensure uniformity. This includes a provision to require tow-away signs nonconforming to these new provisions taken down by January 1, 2019.

- Creating a provision to allow historical or governmental signs on public or private property provided approval is given by the Town Council

TOWN ATTORNEY REVIEW

Modified Ordinance No. 4-2018 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

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