

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 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. 11-2018

Date: June 28, 2018

STAFF RECOMMENDATION

Staff recommends that the adopt Ordinance No. 11-2018 at second reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its April 17, 2018 and May 15, 2018 meetings, considered and recommended approval of proposed Zoning Code modifications as outlined herein.

BACKGROUND

There are three proposed zoning text amendments incorporated into proposed Ordinance No.11-2018, for your consideration. The first is a housekeeping item, which modifies the definition of building height in the R-B zoning district and building height for corner lots. When the flood prevention changes were made to Chapter 134 in 2017 there were Scrivener errors that inadvertently changed the height definitions identified above. The proposed changes correct that error.

The second proposed amendment in the Ordinance is related to the existing mailing notice requirement, and was initiated by the Town Council after a contentious zoning application was submitted regarding a proposed private club. After many complaints from neighbors about not being noticed on the application, the Council instructed Staff and the Commission to consider an increase in the notice distance for zoning applications that intensify the use of property. Staff was also instructed to work with the Commission on a definition for intensification of use.

Staff reviewed the legal notice requirements for zoning applications and recommended that the mailing notice distance for off-street parking and more intensive uses, such as service stations, restaurants, nightclubs, lounges/bars, nightclubs and a private social, swimming, tennis or yacht clubs, be increased from 300 feet to 1,000 feet of the subject property. Staff also recommended that within the notice provisions in the Code, more intensive characteristics of other uses also have the same increased property owner notice requirement. Staff defined “intensification of use” as

increased tenant square footage, increased seating, increased off-street parking demand, increased hours of operation, or any other characteristic of use the Planning, Zoning and Building Director determined to be more intensive than existed on the subject property. There were also other proposed changes related to advising of the date and location of when an application would be heard by the Town Council.

Staff also recommended that notice requirements related to PUDs and PUD amendments be stated in the Code. The existing PUD application notice requirement states that the Town Council hold a public hearing only after “notice as required by law.” However, there is no specific notice requirement in the Code. Staff believes the notice requirement for PUDs and amendments should, at minimum, be the same as the notice requirements for other zoning applications. The existing notice requirement for other zoning applications is a legal advertisement in a newspaper and a mailing notice to all property owners within 300 feet. The notice requirement for PUD applications should also be for both the Planning and Zoning Commission and Town Council hearings; currently notice and legal advertisement is only required for Town Council hearings. Staff had also recommended that the Planning, Zoning and Building Director have the discretion to increase the notification distance to 1,000 feet for any use more intense than the use that previously existed on the property.

The last proposed zoning text amendment in the proposed Ordinance is related to the existing one-year time limit requirement for expiration of zoning approvals. Commencement by Code is determined by Architectural or Landmarks Preservation Commission approval, or the submission of a building permit application if Commission approval is not required. In most cases, applicants meet those requirements. However, there are times when extenuating circumstances require the applicant to request more time. In those cases, time extensions have always been granted. In order to eliminate processing time for these types of extensions, Staff recommended providing a three-year timeframe to commence the work approved in a zoning application. In addition, Staff recommended that if the commencement time is increased, that the definition of commencement change to the issuance of a building permit, and not Commission approval or submission of a permit application.

The Planning and Zoning Commission, at its April 17, 2018 and May 15, 2018 meetings, considered Staff’s recommended changes related to the existing mailing notice requirements for zoning applications, and reduced the proposed notice distance from 1,000 feet to 750 feet; eliminated increased notice for height, building height and cubic content; eliminated the increased notice distance for PUD applications and also eliminated the discretion of the Planning, Zoning and Building Director to increase the notice for an intensification of use not already outlined in the proposed code changes. Staff has made one minor modification to that recommendation in two code sections related to when the work related to an approved application had to start. The change clarified that commencement of work is the issuance of a building permit for the work related to the application, and not just the issuance of a building permit.

The relevant zoning text changes are in add/delete format in Ordinance No. 11-2018. Staff will explain the proposed changes to the relevant Zoning Code provisions at the meeting. If you have any questions about the agenda or proposed Zoning Code changes, please contact me at your convenience at 227-6406 .

TOWN ATTORNEY REVIEW

Ordinance No. 11-2018 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

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