

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

From: Josh Martin, Planning, Zoning and Building Director

Re: Consideration of Proposed Zoning Text Amendments regarding Town-Owned Municipal Buildings and Structures in Chapter 134 of the Code of Ordinances.
Ordinance No. 2-2019

Date: February 21, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve attached Ordinance No. 2-2019 on second reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its December 18, 2018 meeting, considered and unanimously recommended approval with minor modifications the proposed Zoning Code modifications as outlined in Ordinance No. 2-2019.

BACKGROUND

The Town Council, at its December 12, 2018 meeting, considered a list of Staff initiated study items that the Planning and Zoning Commission forwarded to the Council at its November meeting. A zoning text amendment item that was not on the initial list, but which was added by the Town Council, involves a Staff initiated request to look at Zoning Code changes allowing Town-owned municipal buildings and structures west of Lake Trail. Last year the Town changed the Zoning Code to allow “essential services” west of Lake Trail. There are times when other types of Town projects that aren’t at this time defined as “essential services” need to be constructed west of Lake Trail. The Code currently does not allow those buildings and structures.

The Planning and Zoning Commission, at its December 18, 2018 meeting, recommended approval of the changes outlined in add/delete format in Ordinance No. 2-2019. These changes allow Town-owned municipal buildings to be built or rebuilt west of Lake Trail. The minor changes the Commission made to Staff’s recommendation were related to changing the term “site plan and review” to “site plan review” throughout the Code sections and they added the City of Lake Worth to the definition of “public structures.”

In order to bring Town-owned municipal buildings and structures into conformity with the Zoning Code, Ordinance No. 2-2019 does the following:

1. Modifies the definition of “essential services” to include Town-owned municipal buildings and structures;
2. Creates a definition of “public structures” which clarifies that all other governmental agencies’ buildings and structures are public structures;
3. Modifies the definition of “Lot” to clarify that Town-owned municipal buildings and structures are not included in this definition as some of the Town’s buildings and structures are on Lake Worth, west of the Bulkhead Line or mean high water line;
4. Makes “essential services related to Town-owned buildings and structures” a special exception use in all of the zoning districts with the exception of the Beach Area District. As such, those buildings and structures would also require site plan review approval by the Town Council in a quasi-judicial hearing. All other essential services related to utilities and drainage would remain as permitted uses in all zoning districts;
5. Public structures (all other governmental agencies’ buildings and structures) remain as a special exception use in all zoning districts and also require site plan review approval from the Town Council in a quasi-judicial hearing; and
6. All “essential services” as redefined in this proposed ordinance, with the exception of wireless telecommunication towers and distribution electrical sub-stations, would be a special exception use in the Conservation Zoning District.

The proposed amendments still require essential services related to Town-owned municipal building and structures to obtain special exception and site plan review approval from the Town Council, and Architectural or Landmark Commission approval, whichever is relevant, at a public hearing with required public notice and legal advertisement. In addition, the proposed changes do not modify the zoning requirements for all Federal, State, County, City of Lake Worth and City of West Palm Beach projects within the Town’s jurisdiction. Those projects will also require special exception and site plan review approval and Commission approval. The specific changes to sections of the Code are identified in add/delete format in attached Ordinance No. 2-2019.

TOWN ATTORNEY REVIEW

Ordinance No. 2-2019 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

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