

# TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

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To: Mayor and Town Council

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at Chanel,  
Located at 301 Worth Avenue

Date: February 21, 2019

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council consider a request for an extension of the hours for construction work planned at Chanel, 301 Worth Avenue. If approved, staff recommends that it is conditioned upon the February 13, 2019 letter (attached) from Rob DiMartini, Group Director, Boutique Architecture, which describes the details and the proposals to reduce any negative impacts of construction.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

## **GENERAL INFORMATION**

The applicant is requesting an extension of time to begin renovations at Chanel on April 15, 2019, prior to the normal May 1 start date. The summer renovation will include some significant structural work, including new steel and wood beams, steel columns, concrete footings, and renovations to the MEP systems. Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

*Sec. 42-199. - Hours for construction work.*

- (b) *Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m.*

*and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.*

(c) **Exceptions.**

(5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant is requesting an extension of these working hours to allow the renovation to begin on April 15, 2019.

Attached is the written request from the applicant that describes the nature of the work and the time extension that is being requested. The second page of the letter contains several proposals to reduce any negative construction impacts to the community. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Staff recommends the Town Council consider construction hours as requested beginning on April 15, 2019, in accordance with the proposals contained in the attached letter from Chanel.

Attachments

WRB

cc: H. Paul Brazil, Public Works Director  
Ben Alma, Code Enforcement Unit