TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

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 the Temporary
        Space for Chanel, Located at 150 Worth Avenue

Date: March 5, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the hours for
construction work planned at the temporary space for Chanel, 150 Worth Avenue. If approved,
staff recommends that it is conditioned upon the March 1, 2019 letter (attached) from Rob
DiMartini, Group Director, Boutique Architecture, which describes the details of the limited
renovations.

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 the temporary space for
Chanel on April 1, 2019, prior to the normal May 1 start date. The work should be complete on
or about April 15, 2019, and will allow time for the retailer to move into this temporary space.
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 1, 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 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 1, 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