

# TOWN OF PALM BEACH

Information for Town Council Meeting on: September 11, 2019

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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 150 Worth Avenue  
– The Esplanade

Date: August 22, 2019

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council consider a request for a modification of the hours for some waterproofing work planned at The Esplanade, 150 Worth Avenue. If approved, staff recommends that it be conditioned upon the August 15, 2019 letter (attached) from Yvonne Jones, Property Manager for The Esplanade, which describes the details of the waterproofing project.

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 modification of the work times and days to continue a waterproofing project to the rooftop deck, ramps, and parking areas, which is beginning now and which may possibly be completed before October 31, 2019, in accordance with the code. However the applicant wants some protection / flexibility if the waterproofing work runs a little late, due to weather related events or unforeseen problems. The request is simply to have the ability to continue the waterproofing work beyond October 31, if needed.

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.*

Attached is the written request from the applicant that describes the nature of the work and the time modification 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 extending the work season beyond October 31, 2019 for this project.

Attachment – August 15, 2019 letter from Yvonne Jones

WRB

cc: Yvonne Jones, CPM, CCIM, property Manager for The Esplanade