

# TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 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 Chanel,  
Located at 301 Worth Avenue

Date: September 19, 2019

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council consider a request for an extension of the days for construction work, underway at Chanel, 301 Worth Avenue. If approved, staff recommends that it is conditioned upon the September 10, 2019 letter (attached) from Harvey E. Oyer, III, in which he describes the details of the request, based upon impacts from Hurricane Dorian.

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

## **GENERAL INFORMATION**

In March of this year, the Town Council approved the Chanel renovation project to begin early, before the May 1<sup>st</sup> normal Worth Avenue start date for construction.

The applicant is requesting an extension of time to complete renovations at Chanel. The applicant indicates in his letter that due to the effects of Hurricane Dorian, several weeks of construction time was lost. The applicant is requesting an extension of time from October 31, 2019 to November 21, 2019, basically three additional weeks. 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 complete the renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

Staff recommends the Town Council consider the construction hour extension, as requested.

Attachment – Letter from Harvey E. Oyer, III

WRB

cc: Ben Alma, Police Department