

# 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 288/290 S. County Road

Date: October 8, 2019

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council consider a request for an extension of the days and times for construction work that is beginning at 288/290 S. County Road (La Goulue Restaurant). If approved, staff recommends that it is conditioned upon the October 8, 2019 letter (attached) from James Crowley, Esq., in which he describes the details of the request.

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 complete renovations at the new La Goulue Restaurant, 288/290 S County Road. The applicant is requesting work hours to 8:00 pm, Monday through Friday, which is beyond the 5:00 pm and 6:00 pm (beginning on the Monday before Thanksgiving) stop times provided for in the code. They also wish to work on Saturdays from 8:00 am to 8:00 pm. The work during the week beyond 5:00 pm and then 6:00 pm, and on Saturdays, would only be interior work only with no activities in the right of ways or on the exterior of the building. The applicant is requesting this relief through the end of January, 2020.

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 restaurant 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 James Crowley, Esq., dated October 8, 2019

WRB

cc: Ben Alma, Police Department