

# TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

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TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Joshua Martin, AICP, Director of Planning, Zoning, and Building

RE: Approve an award for the Comprehensive Zoning Reform to the Congress for the New Urbanism  
**Resolution No. 152-2019**

DATE: December 1, 2019

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 152-2019, approving an award for the Comprehensive Zoning Reform to the Congress for the New Urbanism in an amount not-to-exceed \$249,900 and authorizing this expenditure from the PZB FY 19/20 Department Budget.

## **GENERAL INFORMATION**

The Town of Palm Beach seeks to reform its conventional zoning code. In addition to being based on outdated auto-centric land use patterns, the current code is also unmanageable due to extensive, contradicting standards and special district conditions added over the past several decades.

Most existing zoning codes, including that of Palm Beach, were written to guide the post-war housing boom. While these codes were able to accommodate unprecedented growth, many had unintentional consequences that hampered the ability to develop more of the walkable, vibrant streets and neighborhoods that were the historic hearts of many villages and cities. In Palm Beach, it is illegal in the Town's zoning code to build a replica of a beloved building or neighborhood of Historic Palm Beach. Furthermore, the process of updating a code can be expensive and time consuming, requiring significant municipal capacity.

In 2016, the Congress for the New Urbanism (CNU -- CNU is a nonprofit 501(c) (3) organization headquartered in Washington, DC) launched the Project for Code Reform to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. While the reform strategies developed through the project have been met with widespread support, an opportunity to fully demonstrate the systemic implementation of incremental reform would provide key learnings for the project and illustrate a front-to-back strategy that other communities could model.

As a result, CNU now seeks to leverage the Project for Code Reform by partnering with the Town of Palm Beach, as a case study for analyzing the full extent of regulations that can inhibit

the placemaking, historic preservation, and historic form promotion strategies that have a demonstrated track record of increasing financial performance, preserving and revitalizing historic commercial corridors, protecting the environment, and helping to create more equitable communities. As a byproduct of this research, CNU will then empower expert code-writing members to draft an orderly, incremental but comprehensive code reform process based on current research, best practice, and community context, delivered with significant public education and engagement. The outcome will be a radically simplified town-wide zoning code, easily understood and fully integrated across all land use regulations.

CNU is proposing a five-step process for implementing this project, which will be implemented through six categories of research. The five-step process includes:

- Analysis of existing code elements across all land use regulations,
- Research into existing federal and state regulations that impact local development,
- A half-day symposium led by national experts on critical coding considerations and town building principles,
- A half day public engagement exercise following each symposium, and
- Provision of recommended code changes (or language for new land use regulations) that incorporates all of the above.

A detailed scope and approach is included in the backup materials attached to this memo.

The total cost of this proposal is time and materials, not to exceed amount of \$249,900. Staff agrees that this approach will provide the needed analysis and information to effectively address the comprehensive reform of the Town's existing zoning code.

### **FUNDING/FISCAL IMPACT:**

Staff request the Town Council authorized this expenditure from the PZB FY 19/20 Department Budget. One hundred thirty five thousand dollars (\$135,000) was included in the PZB FY 20 Department Budget and the remainder of the cost of the effort will be covered through cost savings due to staff vacancies within the Department.

### **PURCHASING**

The Purchasing Division of the Finance Department was approached by the Director of Planning, Zoning and Building about the potential use of the Congress for New Urbanism for this particular project. Pursuant to the Town's Purchasing Policy and Procedure's Manual, Administrative Procedure 1-19-1, Section 3.4, the Town may engage a 501(c) (3) cooperation for a contract that meets the criteria.

The Congress for New Urbanism is a 501(c) (3) corporation. In the review of State Statue 255.60, the Town may engage this firm with the understanding the annual expenditure cannot exceed \$250,000. The Purchasing Manager also confirmed with the Office of the Inspector General that we may proceed under the condition that our internal Policy and Procedures provide for the use of non-profit corporation and the corporation meets all requirements of their certificate.

As such, the Purchasing Manager is recommending the Waiver of Formal Bid Procedures and engage The Congress for New Urbanism in the Not-to-Exceed Amount of \$249,900.

**TOWN ATTORNEY REVIEW**

The Town Attorney has reviewed this Resolution and approved it for legal form and sufficiency.

Attachments

cc: Jane Le Clainche, Finance Director  
Dean Mealy, Purchasing Manager