

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Acting Director of Planning, Zoning & Building



Re: Review of Several Zoning Code Matters and Expected Costs

Date: February 27, 2020

BACKGROUND

Prior to the February Town Council Development Review meeting, a couple of Town Council members asked Paul Castro and me for our list of the most pressing zoning code matters, in our view, at this time. The thought was that if formal code reform efforts were stalled or scaled back, at least some items could be addressed by the Town Council and then possibly sent to PZC or to consultants for study. Paul and I prepared a final list of eleven (11) items we believe are the primary concerns today (there are others) and we sent the list out to the Town Council.

At the February Town Council meeting, there was a request to list this matter as an agenda item at the next (March, 2020) meeting for further discussion. There was also a request to associate an expected cost of the review to the items on the list.

GENERAL INFORMATION

The list is provided again, along with a preliminary staff assumption of the expected costs (in red).

Small scale:

- *The review of required yard setbacks (front, rear, and especially side) in each zoning district. Over the past two years there have been 93 variances for yard setback relief. Clearly the code requirements are not working. \$8K- \$12K*
- *Review lot coverage requirements for each zoning district. Over the past two years there have been 28 variances for lot coverage relief. \$8K - \$12K*

- Review regulations for pools – setbacks, equipment, and screening. 14 variances over the last two years. **\$8K - \$12K**
- Review requirements for retail uses in commercial districts, with an eye for other permitted and special exception uses on the first floor. 13 variances over the last two years. **\$16K - \$20K**
- Review the ten separate definitions of “building height” for possible consolidation. **\$3K- \$5K**
- Consider the use of FAR (floor area ratio) instead of CCR, angle of vision and building height plane to control the size of new buildings. There were 37 zoning variances for these items over the last two years, many of which lead to increases in the size of buildings. One of the most often heard complaints in Town is the size of new buildings. FAR could be the answer and could easily be linked with an algorithm to lot size. FAR’s can vary in the different zoning districts, to have appropriate building sizes match the corresponding lot sizes. **\$16K - \$24K**
- Consider a maximum lot size for each residential zoning district. **\$16K - \$24K**

Total small scale \$90K.

On a larger scale:

- Consider the creation of a Board of Zoning Adjustment to hear all variance, and special exception, requests. This is how zoning relief is granted in most other communities and would free the Town Council from this monthly task. The Town Council could hear appeals of zoning variances (from applicants and affected neighbors) and approve site plans. **\$6K - \$10K**
- Review the entire Town for adjustments to the current zoning districts, and possibly create new zoning districts. Average lot size is one way to set the various zoning districts. Land use is another. Remove the Four Arts and the Flagler Museum from residential zoning districts and amend the Comp Plan land use maps regarding these two important properties. **\$16K - \$24K**
- Review parking regulations, especially relative to retail and restaurant uses. Public Works, Police and Fire Rescue will be needed for this discussion. Also review the residential garage regulations. **\$16K - \$24K**

Total large scale \$64.8K.

And the biggest problem in our mind at this time:

- FEMA floor and equipment elevations, drainage requirements, and adding fill and retaining walls to lots in order to build. This should be a major discussion and will have long-term effects on the entire built environment. Public Works, consulting engineers, and others will be needed for this discussion. **\$30K - \$50K, maybe more**

Total other \$45.5K.

A few professional planners were contacted over the past month, but only one, to date, has provided actual quotations on the items above, as some planners did not handle re-writing municipal codes, or that a full scope of work would be required before they could formally respond. Please see, as an example, the return email from Jim Norquest with Gunster. This has been a typical response. A couple of the planners also felt the estimated costs, proposed by staff, were too low. The cost of reviewing, discussing, and proposing solutions to each item would vary greatly depending on the number of meetings, both with staff and with the public. The topics, at this point, are also very open ended, and planners had a difficult time seeing where each task would actually end. Also the review of any single item could trigger other requests for additional review, and therefore, more time to complete each item. Bill Whiteford did respond, and his quotations are above in blue print. His total was \$200,300.

Staff's best "guestimate" at this time would place the complete study costs of the eleven items listed above somewhere between \$143,000 and \$217,000, possibly more.

To put this into perspective, the department had budgeted about \$130,000 this fiscal year for planning and zoning projects and consultants, which included the start of code reform. Code reform, to date, has cost the Town about \$63,000, almost all of which was spent on the historic district symposium (a three day event). This leaves about \$67,000 remaining for code reform efforts throughout this year.

Please contact me with any questions.

Attachments – Email from Jim Norquest, February 21, 2020
Email from Bill Whiteford, March 2, 2020