TOWN OF PALM BEACH

Information for Town Council Meeting on: October 14, 2020

To: Mayor and Town Council

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

Cc: Kirk Blouin, Town Manager

Re: Request of the Architectural Review Commission to Have the Town Council Review How the Town Handles the Approval of Building Demolitions

Date: September 23, 2020

STAFF RECOMMENDATION

Staff recommends the Town Council consider the request of the Architectural Review Commission to review the current process in which Arcom, and the Town, handle building demolition requests. This includes the methods and manners in which applications are made, reviewed and approved, which currently do not include the Landmarks Preservation Commission. Recent demolition applications of older, architecturally-significant buildings have caused Arcom to question whether the current Town process could be amended to provide for the ability to send the application for demolition to the Landmarks Preservation Commission for their review and input.

GENERAL INFORMATION

As you can see in the backup, this exact matter has been discussed by the Town Council and Arcom on a few occasions. Skip Randolph prepared a letter outlining the request and he provides the backup form 2017, 2014 and 2008, which is attached.

Dear Mayor and Town Council;

At its meeting of August 27, the Architectural Commission passed unanimously, a motion to request that the Mayor and Town Council give consideration to amending the Town code relating to demolitions which are within the jurisdiction of Arcom so as to allow the Commission more authority in regard to demolitions.

In that regard, the commission asked that I prepare a memo to the Mayor and Town Council relating to their request. The concern of the commission is that, under the current code, Arcom has no authority to deny a demolition unless the property is a landmark property or under consideration for landmark status. Therefore, a request for demolition must be granted even though a property is deemed by Arcom to be an historical property worth preserving. Very few such requests come before the Commission throughout the year but on the unusual occasion that such a property comes before the Commission, it is the very strong opinion of the members of the Commission that they would like to have the authority to refer the matter to the Landmark Preservation Commission for review prior to Arcom acting on the application.

This matter has been considered by previous Town Councils based upon similar requests of the Architectural Commission on at least three separate occasions, in 2008, and 2014, and 2017. The attached memos regarding 2008 and 2014 reflect those requests, the suggested amendments to the code and the actions of previous Councils which did not support the proposals to give Arcom more authority in regard to demolition requests. I have also attached the minutes of the Town Council meeting of September 19, 2017, where the Council considered this matter and decided, once again, not to make a change. I had neglected to mention this 2017 consideration to the members of Arcom when they considered this matter. In regard to the 2017 consideration, for informational purposes, please also see the email from Jay Serzan attached.

The Architectural Commission requests that the Mayor and Town Council, once again, consider this matter with the hope that this Council will support this request by Arcom and amend the Town code so as to give authority to Arcom to allow an application to be referred to the Landmark

Preservation Commission for review as previously proposed and outlined in the attached memos.

I am happy to provided further information or answer any questions you may have.

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 19, 2017

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, September 19, 2017, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. Council President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the Agenda:

- Resolution No. 188-2017 was added after Item IX.B. 7

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to approve the Agenda, as amended. On roll call, the motion carried unanimously.

IV. PRESENTATIONS

A. Royal Poinciana Playhouse Update

Alex Patterson, UpMarkets

John Page, Director of Planning, Zoning and Building, presented on behalf of Samantha David and Alex Patterson from UpMarkets of the

Royal Poinciana Plaza development and tenant status. Mr. Page also reported that there was no damage to the building from Hurricane Irma.

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio applauded the community for their preparation, evacuation and restoration efforts before and after Hurricane Irma and presented a proclamation in honor of the Town staff and community partners declaring September 18th as "Thank an Employee Day." She also cautioned residents to remain vigilant and urged them to subscribe to the Town's Hurricane Alerts and to register their employees for ID cards.

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Kleid applauded the Town's Emergency Planning Team on their dedication and professionalism before, during and after the storm.

President Pro Tem Moore thanked the employees for their positive attitudes and willingness to serve the residents of the Town right after the storm. Ms. Moore also congratulated Kathleen Dominguez on becoming the Town Clerk and Patricia Gayle-Gordon on becoming the Deputy Town Clerk.

Council Member Araskog thanked the Town staff for their efforts and commented on the photos of the clean-up and restoration efforts. Ms. Araskog inquired about having one designated person to check on businesses and homes.

Council Member Lindsay complimented personnel and the contractors on their restoration efforts that began on the very first day after the storm.

Council Member Zeidman lauded the employees for their efforts during and after the storm and informed the residents that a post-storm review process will be taking place in order to evaluate what worked well and what didn't work so the Town can improve their efforts in the future. She also thanked Bill Hanes and Daniel Stanton for being at the meeting to report on retirement matters.

VII. COMMUNICATIONS FROM CITIZENS

Jack Cohen, 3450 South Ocean Boulevard, spoke regarding the courteous police personnel who manned the Lake Worth bridge checkpoint after the hurricane.

Kirk W. Blouin, Director of Public Safety

Chief Donatto provided an overview of the return for ambulance runs and the billing system.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to approve Resolution No. 183-2017. On roll call, the motion passed unanimously.

8. Authorization of Ordinance, Rules and Standards Committee to Study a Possible 60 Day Allowance for ARCOM to Send a Home of Special Historical Value to the Landmarks Preservation Commission for Review Prior to Granting Demolition Approval.
Jay Boodheshwar, Deputy Town Manager

Discussion ensued regarding concerns for the property owners, process concerns with holding up the property to be Landmarked, financial concerns, jeopardizing the Landmarks Preservation program, Bert Harris law, not opening up the Town to lawsuits, and the possibility of increasing the budget for Landmarks Commission to study more houses.

It was the consensus of the Town Council to not send this item to the Ordinances, Rules and Standards Committee.

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 25-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances At Chapter 130, Vehicles For Hire, Article II, Taxicabs And Limousines, By Amending Section 130-31, Definitions; By Rescinding Sections 130-32 And 130-33; By Incorporating A New Section 130-32 To Provide That Vehicles For Hire Permitted In The Town, Along With Their Drivers, Comply With Palm Beach County's Code, Chapter 19, Article IX Relating To Vehicles For Hire As Amended From Time To Time; Amending Section 130-34 Relating To Taxi Stands; Amending Section 130-36 – Penalties; Rescinding In Their Entirety Sections 130-61 and 130-62 of Division 2 Relating To Certificates of Public Convenience and Necessity and Permit; Amending Section 130-63 Relating To Approval of Application, Denial; Amending Section 130-64 - Permit Fee; Rescinding Section 130-65 In Its Entirety; Amending Section 130-67 – Town Council To Determine The Number of Permits Available; Amending Section 130-68 Relating To Annual Renewal of Permits; Amending Section 130-69 Relating To Inspection of Vehicles;

Amending Section 130-70 Relating To Sale, Assignment or Transfer; Rescinding Section 130-71 Relating To Automobile Liability Insurance Requirement In Its Entirety; Amending Section 130-72, Suspension and Revocation; Rescinding In Their Entirety Sections 130-96, 130-97, 130-98, and Section 130-99 Of Division 3 Relating To Chauffer's; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by Council President Pro-Tem Moore, and was seconded by Council Member Lindsay, to adopt Ordinance No. 25-2017, on second and final reading. On roll call, the motion passed unanimously.

RESOLUTION NO. 186-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Increasing the Vehicle Permits for Limousines and Taxis, Permit Transfer Fees, and Application Fee for Random Drawings; Removing Other Various Fees Related to Vehicles for Hire; and Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

Motion was made by Council President Pro-Tem Moore, and seconded by Council Member Lindsay, to approve Resolution No. 186-2017. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 26-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 82, Personnel, Article II, Employee Benefits, Division 3, Other Post-Employment Benefits, At Section 82-150, Definitions; Section 82-151, Statement of Purpose; Section 82-154, Contributions to OPEB Trust; Section 82-158, Miscellaneous; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Jane Struder, Director of Finance

Motion was made by Council Member Zeidman, and was seconded by Council Member Lindsay, to adopt Ordinance No. 26-2017. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 27-2017 A Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commending October 1, 2016, Providing an Effective Date.
Jane Struder, Director of Finance

Wayne Bergman

From: Jay Serzan <jayserzan@comcast.net>
Sent: Saturday, August 29, 2020 8:56 AM
To: Wayne Bergman; Laura Groves van Onna
Cc: John (Skip) C. Randolph
Subject: ARCOM and Demolitions

Hello Wayne and Laura and WELCOME Laura,

I listened with interest to the ARCOM discussion on demolitions at their meeting this past Thursday.
At the meeting, they voted to ask the Town Council to allow ARCOM to forward selected properties to the Landmarks Preservation Commission (LPC) for review.

As you may know, this exact same matter was discussed at the Council meeting three years ago on September 19, 2017.
At that time, the Council did not take any action on the matter and I feel that the reasons therefor, as explained by Mayor Coniglio
and Councilpersons Moore, Lindsay and Zeidman are as valid today as they were then.

You can find an audio link to this discussion here:

https://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1901&meta_id=186350

During the discussion, the Council mentioned increasing the LPC funding to allow more properties to be landmarked.
I think this is a good idea if funding allows. I might point out that at the present time twelve properties are 'under consideration' for landmark status.

Also, at the ARCOM discussion, a commission member suggested that demolition be made a staff level approval.
This is a positive suggestion that would hopefully remove some of the angst commissioners have in approving demolition as basically a ministerial function.
If you were to pursue this suggestion, I'm sure you would want to keep ARCOM review over the Landscape Demolition & Construction Screening Plan
and the Construction Staging and Truck Logistics Plan.

Lastly, thanks to your efforts, the Council recently approved the Historic Conservation Districts Ordinance which will help to reduce the number of demolitions.
Already, a property at 346 Seaspray Avenue is taking advantage of this Ordinance to renovate and expand a 1925 home.

I write all this simply to assist you as you guide the Council on this matter.

As always, thank you for your time and consideration.

Jay Serzan

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Jay Serzan

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JONESFOSTER
JOHNSTON & STUBBS, P.A.

Memo

To: John Page
From: John C. Randolph
Date: February 13, 2014
Subject: ARCOM/Demolitions

Dear JP,

The Architectural Commission has recently raised the issue as to the extent of its authority to deny requests for demolition permits, particularly for homes which the Commission members might feel should be saved from the wrecking ball. Another question, as I understand it, is in the event the Architectural Commission has no authority to prevent demolition, why should applications be submitted to the Commission, as opposed to staff dealing with applications for demolition administratively?

The current code provides as follows in regard to applications for demolition permits. First, Section 18-175 it provides:

> "(a) *Approval of request.* Unless requests for demolition (requests shall be reviewed considering proposed date to demolish, construct and future use of new construction) . . . have been approved by the Architectural Commission, or by the Town Council on appeal, no permit shall be issued for any such demolition . . ."

Section 18-206 of the code provides specific criteria for the granting of a demolition permit. That section provides as follows:

> **"Sec. 18-206. Criteria for demolition permit.**
>
> A demolition permit shall be granted upon the following conditions being met:
>
> (1) The property is not designated a landmark and is not included on a list of properties within the planning, zoning and building department placed under consideration as a landmark structure.

(2) That all precautions be taken as required by the planning, zoning and building department to protect adjacent properties from dust, vibration, pests, etc. and shall be in compliance with all provisions of section 18-242, 104.1.11 relating to demolition permits.

(3) That perimeter landscaping and other landscaping considered by the architectural commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the architectural commission.

(4) If construction is not to begin within thirty days subsequent to demolition, the lot shall be completely sodded and irrigated so as to assure that the property will have a neat and clean landscaped appearance.

(5) An agreement is entered into between the property owner and the town wherein the property owner agrees, in writing, to the conditions for demolition established by the architectural commission and further agreeing that in the event of a violation of any of the conditions placed upon the granting of the demolition permit, the property owner shall pay to the town a fee of $250.00 per violation per day. In the event the property owner refuses to pay any fine as required within 15 days after a notice of violation, the town may, at its expense, correct the violation and present a bill to the owner for the cost of correction. In the event the bill is not paid within 30 days of the date of the bill, the town may place a lien against the property for the costs incurred by the town. Further, no permit to construct shall be given until the fine or lien has been satisfied."

Section 18-206 currently affords the Architectural Commission some discretion in the consideration of applications for demolition in order that all precautions are taken in regard to protecting adjacent properties, that perimeter landscaping be considered and remain in place in a manner satisfactory to the Architectural commission, etc. The conditions, however, do not address what appears to be an immediate concern of members of the Architectural Commission who may like to see, provided within the code, a provision which would allow demolitions to be prevented in the event a determination is made by the Architectural Commission that a home is worth saving. The only provision relating to that at the present time is the provision that states that a

property will not receive a demolition permit if it has been designated a landmark or is included on a list of properties placed under consideration as a landmark structure.

The issue that is being raised at the present time has been raised before, specifically in 2008. The question then was identical to the question that is being raised now when consideration was given to including the following language:

> "In the event the Architectural Commission has a question as to the architectural or historical significance of a property, the request for demolition may be referred to the Landmarks Preservation Commission of the Town and deferred for a period of sixty (60) days until the Landmarks Preservation Commission has been able to make a determination as to whether or not the property shall be placed under consideration as a landmark property. In the event the Landmarks Preservation Commission places the property under consideration, the Architectural Commission shall no longer have jurisdiction over the property, but the jurisdiction over the property shall rest with the Landmarks Preservation Commission while under consideration. In the event the Landmarks Preservation Commission does not place the property under consideration within sixty (60) days of deferral from the Architectural Commission, the property shall remain under the jurisdiction of the Architectural Commission and shall be returned to the Architectural Commission for consideration for the demolition permit."

This matter was discussed at length at the Town Council level, with a great amount of deliberation, the ultimate determination being that a property owner who makes application for a demolition permit at a time when their property is not landmarked or placed under consideration for landmarks should not be delayed in regard to the demolition process for a period of time which would allow the Architectural Commission to refer the matter to Landmarks. It was felt that the duty and obligation to place properties under consideration is with the Landmarks Commission and that Landmarks should undertake this task diligently in order to place under consideration all buildings which they believe to have historic and/or architectural merit. Ultimately, therefore, the proposed Ordinance was rejected.

A copy of the backup memorandum relating to the proposed amendments to the ARCOM ordinance, as well as the proposed amendments, which were not passed, is attached for the information of the Architectural Commission members.

This matter was again addressed by Town Council at its meeting of February 12, 2014, when it considered an appeal of the ARCOM decision to defer demolition on a project. The Council granted the appeal, overturning ARCOM 's decision to defer, and the Town Council President strongly advised ARCOM Commissioners to apply the existing criteria when considering an application for demolition.

The second question raised by individual members of ARCOM is, because ARCOM has no discretion to deny applications for demolition other than described above, whether or not demolition applications should be a matter left to staff. Staff recommends against this and points out that the Architectural Commission now has discretion, not to prevent demolition, but, in considering demolition, to ascertain that all of the criteria set forth in 18-206 are met. These criteria are similar to criteria which are incorporated within ordinances in other municipalities and allow discretion in determining the manner of demolition so as to protect adjacent property owners, preserve and protect landscaping, etc. Other criteria not currently included within the Town's ARCOM ordinance which are included in other jurisdictions with which staff is familiar are as follows:

1. The proposed demolition will result in the complete removal of all evidence of the former structure or building.

2. If the demolition affects all of the buildings on the lot, all impermeable surfaces that were accessory to the demolished structures or buildings including, but not limited to, driveways, terraces, courts, slabs, and foundations, will also be removed.

3. The landscape treatment along the front lot line will remain comparable to the character and quantity of the streetscape along lot frontage on the same public road for a distance of 1,000 feet in both directions, or will be planted such that it is comparable to the character and quantity of said streetscape if its existing condition is that it is not comparable in character or quantity.

4. The demolition will not unnecessarily affect existing landscape buffers and landscape buffers that are affected will be restored upon completion of the demolition.

5. The demolition will be staged such that noise will be minimized in terms of duration and volume.

6. The demolition equipment shall be screened from view from neighboring properties and public rights-of-way to the maximum feasible extent.

7. No traffic on public streets in the Town will be stopped during the period from December 1 to April 30.

8. Debris will be removed from the site in a manner that minimizes the number and length of additional trips to the public streets in the Town

9. Demolition activities will have a minimal impact on adjacent infrastructure.

10. All exposed soil will be stabilized with plant material within ten days of completion of the demolition.

Incorporating any of these criteria, if so desired, will require an ordinance amendment with Town Council approval.

I hope this information is helpful to the Architectural Commission in regard to its consideration of this matter. I will be happy to answer any questions or provide further information upon request.

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TOWN OF PALM BEACH

Information for Town Council Meeting on: September 8, 2008

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John C. Randolph, Town Attorney

Re: Amendments to ARCOM Ordinance

Date: September 2, 2008

STAFF RECOMMENDATION

It is requested that the Mayor and Town Council give consideration to the draft amendment to the ARCOM ordinance in the manner and form attached.

GENERAL INFORMATION

At the Council meeting in August a draft ordinance was prepared amending the ARCOM ordinance so as to give consideration as to criteria which must be met in order for a demolition permit to be granted. The purpose of this ordinance was to give the Architectural Commission an opportunity to refer a matter to the Landmarks Preservation Commission in the event there was a question as to the architectural or historical significance of a property. A copy of the letter dated August 5, 2008, explaining these changes, along with the then proposed ordinance is attached. At the Council meeting, it was requested that more specific criteria be included relating to when a property may be referred to the Landmarks Preservation Commission. Jane Day was contacted and requested to advise as to what criteria might be appropriate in this regard. She responded with a letter dated August 21, 2008, a copy of which is also attached. In essence, the letter provides that all properties in the Town are reviewed and a determination is made whether to include the property on a form called *Historical Structure Form: Florida Master Site File* (FMSF). It was suggested that this form be used as a tool for further review when an applicant applies to ARCOM for a demolition permit. It is pointed out that although these forms presently only include properties that are over fifty years old, there is no prohibition for including outstanding examples of architecture that are less than fifty years old. It was suggested that these new forms could be included in the 2009 review of properties within the Town. The draft ordinance which is placed before the Mayor and Town Council for consideration at this meeting, modifies the previous ordinance so as to provide that a demolition permit shall be granted in the event a

property has not previously been designated a landmark, is not under consideration as a landmark or is not listed on the *Historical Structure Form: Master Site File* and designated as a property which "may qualify as a local landmark." Other conditions which must be met in order for a demolition permit to be granted are those previously suggested, including the fact that all precautions be taken to protect adjacent properties, that perimeter landscaping and other landscaping considered by the Architectural Commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the Architectural Commission and that if construction is not to begin within thirty days subsequent to demolition, that the lot be sodded and/or seeded and irrigated as prescribed by the Planning, Building and Zoning Department in a manner and form approved by the department so as to assure that the property will have a neat and clean landscaped appearance.

It is noted that ORS gave consideration to issues of sodding, seeding and landscaping at its recent meeting, as well as to issues relating to declaration of use agreements. Because of the recent nature of those discussions and the fact that the full Council has not yet discussed same, this ordinance does not include proposed amendments regarding those matters.

ATTACHMENTS

Letter dated August 5, 2008, to Peter Elwell
Letter dated August 21, 2008, from Jane S. Day
Proposed Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 18, BUILDING AND BUILDING REGULATIONS, ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 2, ARCHITECTURAL COMMISSION, SECTION 18-175, ISSUANCE OF PERMITS, AND SECTION 18-201, REQUIRING AN APPLICANT FOR A DEMOLITION PERMIT TO SUBMIT A DEMOLITION REPORT INCLUDING, BUT NOT LIMITED TO A REPORT RELATING TO THE HISTORICAL AND ARCHITECTURAL SIGNIFICANCE OF A PROPERTY; AMENDING SECTION 18-205 RELATING TO CRITERIA FOR BUILDING PERMIT TO INCLUDE A NEW ITEM 10 TO PROVIDE THAT A DEMOLITION PERMIT SHALL BE GRANTED IN THE EVENT A STRUCTURE IS NOT CONSIDERED A STRUCTURE OF ARCHITECTURAL OR HISTORICAL MERIT WORTHY OF PRESERVATION AS A LANDMARK STRUCTURE AND SETTING FORTH OTHER CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 18, Building and Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission; Section 18-175, Issuance of Permits, to read as follows:

"Sec. 18-175 Issuance of permits.

(a) *Approval of request.* Unless requests for demolition ~~(request shall be reviewed considering proposed date to demolish, construct, and future use of new construction)~~, building and landscaping plans, elevations and proposed signs for buildings or structures, or alterations thereto, including reroofing that involves a significant change in materials or appearance, have been approved by the architectural commission, or by

the town council on appeal, no permit shall be issued for any such demolition, building, structure, sign, or other development of property, or appurtenances or alterations thereto.

(b) *Exceptions.*

(1) When in the opinion of the ~~building official~~ Planning, Zoning and Building Department Director or his/her designee the approval of an application for a minor or insignificant permit does not defeat the purposes and objects of this article, he may grant the permit without submitting the matter to the architectural commission for its approval, notwithstanding any other provisions of this section or this article. The decision of the ~~building official~~ Planning, Zoning and Building Department Director or his/her designee shall be subject to appeal made to the town council in accordance with the provisions of section 18-177.

(2) Individual structures and/or properties that have been designated or are under consideration or in an historic district are subject to review by the landmark preservation commission and shall not be subject to review by the architectural commission."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 18, Building and Building Regulations; Article III, Architectural Review; Division 3, Procedure and Requirements, Section 18-201, Preliminary Sketch; Site Plan; Final Plan, to read as follows:

"**Sec. 18-201. Preliminary sketch; site plan; final plan.**

(a) Preliminary sketches of the design of a proposed structure or major alteration may be submitted to the ~~building official~~ Planning, Zoning and Building Department Director or his/her designee for informal review so that an applicant may be informed of architectural commission policies prior to preparing working drawings. If approved, such sketches shall serve as a guide in further consideration of the same proposed building or structure.

(b) The applicant for a building permit, when subject to the requirements of this article, shall submit to the ~~building official~~ Planning, Zoning and Building Department Director or his/her designee 30 days prior

to the next regular meeting date a site plan, as defined by section 18-207, and exterior elevations and such other data as will assist the architectural commission and the ~~building official~~Planning, Zoning and Building Department Director or his/her designee in evaluating the proposed building or structure or major alteration. Final plans and elevations shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The final plot plan shall conform to section 18-207. Work not thus presented may be rejected by the ~~building official~~Planning, Zoning and Building Department Director or his/her designee.

(c) The applicant for a demolition permit shall submit to the Planning, Zoning and Building Department Director or his/her designee, thirty (30) days prior to the next regular meeting date, a demolition report which shall include the historical significance, if any, of the structure on the property, including, if one exists, the Historical Site Survey Evaluation on file with the Town. The report shall also include the date of construction, the architect and contractor, if known, the date and description of any modifications or renovations, the architectural significance of the property, if any, and the present owners of the property and previous owners."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 18, Building and Building Regulations; Article III, Architectural Review; Division 3, Procedure and Requirements, Section 18-205, Criteria for Building Permit, to read as follows:

"Sec. 18-205. **Criteria for building permit.**

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

(2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

(3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

(4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

(5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

a. Apparently visibly identical front or side elevations;

b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or

c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

(6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

a. Height of building or height of roof.

b. Other significant design features including, but not limited to, materials or quality of architectural design.

c. Architectural compatibility.

d. Arrangement of the components of the structure.

e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.

f. Diversity of design that is complimentary with size and massing of adjacent properties.

g. Design features that will avoid the appearance of mass through improper proportions.

h. Design elements that protect the privacy of neighboring property.

(7) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

(8) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(9) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

(10) A demolition permit shall be granted upon the following conditions:

a. The structure is not considered a structure of architectural or historical merit worthy of preservation as a landmark structure pursuant to Chapter 54 of the Town Code of Ordinances relating to Landmarks Preservation. In the event the Architectural Commission has a question as to the architectural or historical significance of a property, the request for

demolition may be referred to the Landmarks Preservation Commission of the Town and deferred for a period of sixty (60) days until the Landmarks Preservation Commission has been able to make a determination as to whether or not the property shall be placed under consideration as a landmark property. In the event the Landmarks Preservation Commission places the property under consideration, the Architectural Commission shall no longer have jurisdiction over the property, but the jurisdiction over the property shall rest with the Landmarks Preservation Commission while under consideration. In the event the Landmarks Preservation Commission does not place the property under consideration within sixty (60) days of deferral from the Architectural Commission, the property shall remain under the jurisdiction of the Architectural Commission and shall be returned to the Architectural Commission for consideration for the demolition permit;

b. The property is not included on a list of properties within the Planning, Zoning and Building Department placed under consideration as a landmark structure;

c. That all precautions be taken as required by the Planning, Zoning and Building Department to protect adjacent properties from dust, vibration, pests, etc. and shall be in compliance with all provisions of Section 18-242, *104.1.11* relating to demolition permits.

d. That perimeter landscaping and other landscaping considered by the Architectural Commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the Architectural Commission.

e. If construction is not to begin within thirty days subsequent to demolition, the lot be sodded and/or seeded and irrigated as prescribed by the Planning, Building and Zoning Department in a manner and form approved by the department so as to assure that the property will have a neat and clean landscaped appearance.

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing and signed by the chair, and a copy thereof shall be made available to the applicant upon request.

(c) A decision or order of the commission or the ~~building official~~Planning, Zoning and Building Department Director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the ~~building official~~Planning, Zoning and Building Department Director or his/her designee has been made."

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2008, and for second and final reading on this _____ day of _____, 2008.

_____
Jack McDonald, Mayor

_____
Richard M. Kleid, Town Council President

_____
Gail Coniglio, Town Council President Pro Tem

_____
Denis P. Coleman, Town Council Member

ATTEST:

_____
Susan Markin, Town Council Member

_____
Susan A. Elchhorn, Town Clerk

_____
David A. Rosow, Town Council Member

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