

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

CC: James Murphy, Asst. Director of PZB

Re: Proposed PZB Development Review Application Changes

Date: March 29, 2021

BACKGROUND

As we all know, the level of new development and construction in Town is high. This high level of activity has been consistent for several years. Although there was a brief respite of construction activity linked with the onset of the pandemic last year, the balance of 2020 and the beginning of 2021 have demonstrated strong construction activity. Based upon recent real estate sales and the high volume of development review applications seen at recent Town Council, Landmarks and Arcom meetings, staff estimates the balance of this year and 2022 should be very strong construction years as well. In 2020 alone, we had a total of 509 new homes, major residential and commercial renovation projects. This table shows department revenues and actual construction value over the past three years, estimates for the current year, and our very conservative estimated numbers for next year, which we will probably exceed:

	2018	2019	2020	Est. 2021	Est. 2022
Revenue	\$9 million	\$11.4 million	\$9.5 million	\$9 million	\$8 million
Construction Value	\$346 million	\$341 million	\$283 million	\$281 million	\$267 million

One of our goals is to make certain that the department remains prepared to process the volume of applications and permits that go along with the high level of construction activity. It is important to have the right processes and adequate staffing in place and properly functioning to efficiently handle the demands of new development while providing a high level of customer service.

Over the past two years PZB has made numerous improvements to its internal operations to both improve efficiency and provide better customer service to our customers and to the community. Examples of these improvements include changing to one permit per project, the introduction of simple contractor affidavits for replacement water heaters and air conditioning equipment, reducing the number of permit types from 76 to 36, the introduction of Annual Facilities Permits

for commercial buildings, and the creation of a simplified Certificate of Occupancy Checklist. Many other changes have been implemented in the department to assist with licensing, permitting and development review. We worked with Purchasing and now have six vendors that we can use to provide building inspectors, plan reviewers, and engineering inspectors. We routinely use staff at Kimley Horn to assist in stormwater management reviews and right of way permit issuance. We recently re-organized the department staff, hired a Historic Preservation Planner and new Assistant Director, and are currently recruiting for a Planner II and new Administrative Assistant to help with the current and expected high volume of development review applications. All of these changes help position the department to effectively manage the continued volume of applications and permits.

APPLICATION CHALLENGES & PROPOSED CORRECTIONS

One continuing mission is to provide improvements to the planning and zoning side of the department to correct what I would describe as a disjointed, confusing, dysfunctional, and inconsistent development review application process. Our department processes and reviews all applications for “development review”. These are the applications for Arcom, Landmarks or Town Council, and sometimes are combination (Combo) projects that require initial approval at either Arcom or Landmarks, and later approval by the Town Council. All of these application forms and actual processes are different from each other, based upon which Town board or boards must be involved to review and approve the application. Application deadlines, legal notice requirements, and submittal dates all differ from one another. There is no consistency with these applications. Application submittal times, notice times and notice distance are just a few of the inconsistencies found within the process. See Exhibit “A”, Types of Required Notice. We propose making the various applications ALL consistent in terms of submittal deadlines, review and notice requirements.

Currently, and for the past many years, our application instructions stated that if a land use application was made by a certain date, then it would automatically be placed on a certain monthly agenda. While that seems simple, the reality is that many applications presented to the department are incomplete or deficient in some way – missing a survey, missing reports, missing plans, or containing errors. In reality, we are placing projects on agendas for Arcom, Landmarks, and Town Council that in many cases are not ready to be moved along. How does this happen? One reason is that the existing Town code mandates the hearing date based upon the application date. Another reason is that staff is not provided with enough time to thoroughly review each application due to problematic application submittal times. With the never-ending and continuous cycles of monthly Town Council, Landmarks, and Arcom meetings, it is difficult, if not impossible, for plans to be thoroughly reviewed for zoning compliance and design sufficiency by staff before a meeting at which the project is presented, and rare for a revised set of plans to be reviewed by staff before the meeting. It is commonplace for staff to meet monthly with the Chairs of Arcom and Landmarks, and individually with the Mayor and Council members, and tell them all that some projects that will appear before them in a few days have not been reviewed, or may need new or additional zoning relief, or that the applications are incomplete. Simply, this can put projects, which have not been vetted by PZB staff, before the commission or council members for review at a public meeting. An application that is improperly placed before a board (whether it is due to insufficiency in the application, architectural presentation, or due to an error in notice) puts the board, and the

Town, in an unfavorable position.

The department also performs a much higher level review of applications today than was performed in the past. There was a time in which staff simply accepted application, processed the application fee payment, built the agenda, distributed the mini-sets to the Commissioners or Council members, and attended the meeting. Today there are three key reviews done on each incoming application – an administrative sufficiency review, a design review, and a zoning review. Typically, these three reviews are performed by three different staff and at three different times. These important reviews all take time.

Somehow, what should be department administrative policy, has been adopted directly into Town Code. For example, there is specific code language for Arcom that allows revised plans to be submitted nine days before the scheduled meeting. That might have been a fine practice at some point, but it simply does not work today. Another example is the mandated size of photographs to be submitted, the plan scale to be used, and details of the designer's title block information. These items should all be removed from the code and placed in the application checklist.

A primary objective of the proposed change is for residents to easily understand what is planned for neighboring properties when they receive a mailed notice or read the legal advertisement in the paper. The department currently, and in the past, has simply copied the applicant's project description word for word to use in legal advertisements in newspapers. Many times the applicant's written description is not correct, and most often the description provides information that is superficial and not meaningful in terms of what the applicant is seeking. The legal advertisements are lengthy, can be confusing to residents due to the bulk of the notice language, and costly to the Town. Staff would like to generate the notice language for all notices. We already have spoken to Skip Randolph regarding simplifying the notice description language that clearly explains the project and what is being requested in the application.

Exhibit "B" includes the three draft ordinances to revise the notice requirements of Arcom (Chapter 18), Landmarks (Chapter 54), and Town Council (Chapter 134). Also, for clarification, we have included the full text changes with staff comments, and the final code versions. Nothing in the codes are reduced regarding required notices, and a few notice provisions are being increased in time. This would create a cohesive "voice" to all items that have been properly processed and reviewed by the Department and ensures each project is accurately described without subjective or "flowery" language.

Application forms and instructions are presently voluminous and confusing to applicants and owners. We would like to simplify the application packet and make all of these applications uniform. The goal is simple, uniformity and consistency in all PZB documents and processes. See Exhibit "C", draft new Uniform Application Form and Checklist. With the short and inconsistent time frames imposed by the current codes and application instructions, as mentioned above, staff does not have the opportunity to completely review plans before they move on to the Town reviewing body. Most often we are not provided an opportunity for what is commonly called a pre-application meeting (Pre-App). This step is very important and can provide staff the opportunity to quickly review an upcoming project and make some immediate recommendations and suggestions to the applicants that may eliminate some of the requested zoning relief and

address known Town concerns at a very early stage. This simple step places the applicant in line with the Town reviewing staff and with our schedule and helps to “shepherd” the project along, with fewer issues to cause the project to be deferred, or denied, by the Town.

These are all matters we would like to correct.

The overall focus is to simplify and update the application forms and administrative processes, provide uniform submittal dates and uniform notice requirements, and improve the quality of the monthly newspaper advertisements and legal notices. We also want to eliminate the problem of listing projects on agendas when the applications are not ready due to sufficiency problems, which has not been addressed until now.

The first change needed is to update the various Town Code sections. It is normal to have application timelines and notice requirements listed in the code. However, in Palm Beach, the code sections have been crafted to include not only those requirements, but also a fair amount of what should be “department policy”. Chapter 18 (Arcom), 54 (Landmarks), and 134 (Zoning) require substantial editing to remove unneeded policy matters and place consistent application times and notice requirements within each chapter. See Exhibit “B”, previously mentioned. These three ordinances have been reviewed by Skip Randolph for legal sufficiency. With your support, the goal is to have these three ordinances ready for First Reading in May.

The next step is to merge the three applications into one universal application form. Submittal requirements are being reviewed and simplified. This work is underway, but we cannot complete the Universal Development Review Application form until the code changes are adopted and implemented. See Exhibit “E”.

Next, we will prepare and post a Schedule of Meetings and Deadlines for the calendar year. This will include the Pre-App meeting described above, and provide ample opportunity for the applicant to submit correct plans along with a sufficient application. Only when the application is competent and complete, will the matter be placed on the review board agenda. See attached Exhibit “C”.

As these matters are resolved, we will begin preparing simple “staff memos” on each major application. This is not done currently for Arcom or Landmarks projects, and will replace the current staff report produced within Eden software and provided to Town Council as backup for variances, special exceptions and site plans. Design review and zoning comments will be combined in one easy to read and understand memo, which should help the members of Arcom, Landmarks, and Town Council as they review the projects before a meeting. See Exhibit “D”, which is a draft example of the staff memo.

Lastly, as these changes are implemented, monitored, and revised if needed, staff will begin preparing development orders for all approved projects. These will detail the project, the approval with any conditions, and will reference final plan details and plan dates. This development order will also assist in the review of building permit plans, once the Town Commissions or Council approve the project.

We are looking for your support on what we as a department view as a much-needed and very

worthy effort that relates to the overall application and notice changes described herein. We do expect a fair amount of developer “push-back” along the way, but ultimately the changes will provide for better and more efficient Town meetings and better projects with time for staff input. Most importantly in doing so the improved process should result in significant increases in public awareness and participation in development projects in their neighborhood by making the process more transparent, clear, and accessible to the public. Thank you.

Attachment – Exhibit “A” – Types of Required Notice)
Exhibit “B” – DRAFT Ordinances on Notice (3), w/ Attachments
Exhibit “C” – DRAFT Schedule of Meetings and Deadlines
Exhibit “D” – DRAFT Staff Memo
Exhibit “E” - DRAFT Uniform Application and Checklist