

**ORDINANCE NO. 06-2021**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 3, PROCEDURE AND REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND 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.** Chapter 18, Buildings and Building Regulations, Article III, Architectural Review, Division 3, Procedure and Requirements, is hereby amended at Sections 18-201 through 18-203, as shown on Exhibit "A", attached.

**Section 2.** 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 3.** 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of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.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 4.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 5.** 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, Florida, on the First Reading this \_\_\_\_ day of \_\_\_\_\_, 2021; and for the Second and Final Reading on this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

\_\_\_\_\_  
Queenester Nieves, CMC Town Clerk

\_\_\_\_\_  
Edward Cooney, Town Council Member



## EXHIBIT "A"

### Chapter 18, Buildings and Building Regulations Article III, Architectural Review Division 3, Procedure and Requirements

#### Sec. 18-201. - ~~Preliminary sketch; site plan; final plan.~~ Construction Screening.

(a) — ~~Preliminary sketches of the design of a proposed structure or major alteration may be submitted to the 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.~~

(b) — ~~The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee, at least 35 days prior to the next regular meeting date for those projects classified as major projects or minor projects with notice as designated within the ARCOM Project Designation Manual. Required submittal materials also include a site plan as defined by section 18-207 and exterior elevations and such other data as will assist the architectural commission and the 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 and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will confirm 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. Plan revisions, if made, shall be submitted to the town no later than noon, nine days prior to the architectural commission meeting at which they will be considered. Only minor changes from those submitted may be presented and considered at that meeting. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.~~

(c) — ~~The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee at least 15 days prior to the next regular meeting date in the case of improvements classified as minor projects no notice within the ARCOM Project Designation Manual. Required submitted materials also include a site plan as defined by section 18-207, and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designee in evaluating the proposed building or structure or minor alteration. Final plans and elevations shall be drawn to scale and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate the nature and extent~~



~~of the work proposed and shown in detail that it will confirm 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 confirm to section 18-207. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.~~

(d) A construction screening plan shall be submitted as part of all major ARCOM projects that demonstrates how the adjacent neighbors will be screened from the construction activity through the use of landscaping and construction fencing/gates. Said construction screening plan must be approved by ARCOM, and the applicant must submit a permit for the approved landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major ARCOM application.

Sec. 18-202. - ~~Notice; photographs.~~ Uniform Development Review Procedure.

~~An applicant for a building permit shall comply with the following:~~

~~(1) — The applicant whose project is classified as a major project shall provide notice on a standard form prescribed by the town, together with a copy of the application and graphic depiction showing a building and landscaping elevation of the intended project, by mail to property owners within a 250 foot radius of the subject property, the cost of which shall be borne solely by the applicant. Such notice shall be sent to the nearby property owners at least 30 days prior to the scheduled meeting. Applicant shall sign and submit a notice affidavit to the town verifying compliance with this section.~~

~~(2) — The applicant whose project is classified as a minor project with notice shall provide notice to owners of the adjacent properties which share, or would share but for an intervening right-of-way, a contiguous border with the subject property, the cost of which shall be borne solely by the applicant. Such notice shall be sent at least 30 days prior to the scheduled meeting.~~

~~(3) — The applicant shall provide digitized color photographs of the facades facing public or private way (alleys not included) of the adjacent buildings or structures 200 feet in either direction from the proposed construction on both sides of the public or private way (alleys not included). Photos shall measure at least 4 inches x 6 inches. (Ord. No. 11-2015, § 1(Att.), 4-15-15; Ord. No. 19-2016, § 2, 11-8-16)~~

(1) Application - All applications for development review by Arcom shall be filed with Director of Planning, Zoning & Building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which is also filed with the Director of Planning, Zoning & Building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be



amended by Town staff from time to time. All applications shall include the application fee as set forth in the Town Fee schedule. The classification of the application is designated within the ARCOM Project Designation Manual, adopted by the Town Council, and amended from time to time.

- (2) Determination of Sufficiency – The Director of Planning, Zoning & Building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the Director, or their designee, determines that the application is not competent or complete, the Director of Planning, Zoning & Building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the Director, or their designee, determines that the application is competent and complete, the department will process the application.
- (3) Schedule of Meetings and Deadlines – the Director of Planning, Zoning & Building shall produce each year a Schedule of Public Meetings and Deadlines for all development review applications, which can be amended from time to time. The Director shall place the Schedule of Meetings and Deadlines on the Town website.
- (4) Notice of Public Hearings – Public Hearings for all development review projects, which includes the Architectural Review Commission major projects, Landmarks Preservation Commission Certificates of Appropriateness, and Town Council Special Exceptions, Variances, and Site Plan Review, shall be noticed in accordance with the following provisions:

  - (a) Advertisement – at least 30 days prior to the public hearing date, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.
  - (b) Mail Notice – at least 30 days prior to the public hearing date, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing shall be given by mail to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.
  - (c) Posting – At least 30 days prior to the public hearing, the Town will post a copy of the hearing notice within a conspicuous place in Town Hall.
  - (d) Architectural Review Commission minor projects with notice shall meet the advertisement and mail notice provisions of (a) and (b) above, except that the



mail notice is only required to be provided to owners of property adjacent to and across the street from the subject property.

(e) Architectural Review Commission minor projects without notice are not required to meet the advertisement and mail notice provisions of (a) and (b) above, and a competent and complete application may be submitted in accordance with the scheduled "Final Submittal" date shown on the schedule of Public Meetings and Deadlines."

Sec. 18-203. - Referral of plans to commission; Duration of Approval; Time Extension; Denial of Application; Determination; Clarification; Deferral.

~~(1) (a) The planning, zoning and building department director shall refer the plans required by section 18-201 to the architectural commission at its next regular meeting provided plans have been submitted in accordance with application submittal deadlines. If such meeting is not scheduled within the period set for commission action, a special meeting shall be called. The commission shall act on the application within 40 days of the filing deadline first occurring after the filing of full and complete data unless an extension of time is consented to by the applicant.~~ The applicant's approval will expire 12 months from the date of the meeting at \_\_\_\_ which the decision was rendered, unless a building permit has been obtained. If \_\_\_\_ the building permit expires or is voided, or if a building permit has not been \_\_\_\_ issued within 12 months from the date of approval the commission approval \_\_\_\_ becomes void also. In the event such approval becomes void, an application for \_\_\_\_ approval shall be required in the same form and manner as if submitted as a \_\_\_\_ new project.

(2b) A time extension from any of the requirements in subsection (a) may be granted \_\_\_\_ or denied by the architectural commission for just cause. Said time extension \_\_\_\_ request shall be submitted in writing to the planning, zoning and building \_\_\_\_ department at least two weeks prior to an architectural commission meeting \_\_\_\_ occurring prior to the expiration date, or said approval shall expire.

(3e) If the application is denied, an application in substantially the same form may \_\_\_\_ not be submitted until 12 months has elapsed from the date of denial.

(4d) Determinations of the architectural commission shall be rendered in writing.

(5) Should a question arise as to compliance with the conditions as outlined by the architectural commission actions, a clarification hearing before the architectural commission may be called at the request of the director of the planning, zoning and building department, or by the applicant.

(6) Deferrals or continuances for a specific application shall not exceed one year cumulatively for all such continuances or deferrals made by the architectural commission, or the application shall be deemed null and void.



## **ORDINANCE NO. 07-2021**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 54, HISTORICAL PRESERVATION, ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 2, PROCEDURES AND EFFECT; SECTIONS 54-93 AND 54-94; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND 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.** Chapter 54, Historical Preservation, Article III, Certificate of Appropriateness, Division 2, Procedures and Effect, is hereby amended at Sections 54-93 and 54-94, as shown on Exhibit "A", attached.

**Section 2.** 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 3.** 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 4.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 5.** 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, Florida, on the First Reading this \_\_\_\_ day of \_\_\_\_\_, 2021; and for the Second and Final Reading on this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

\_\_\_\_\_  
Queenester Nieves, CMC, Town Clerk

\_\_\_\_\_  
Edward Cooney, Town Council Member



## EXHIBIT "A"

Chapter 54, Historical Preservation  
Article III, Certificate of Appropriateness  
Division 2, Procedures and Effect

Sec. 54-93. - ~~Public hearing; notice.~~ Uniform Development Review Procedures.

~~The commission shall hold a public hearing upon each application for a certificate of appropriateness affecting property under its control. Notice of the time and place of the hearing shall be provided as follows:~~

~~(1) — Publication in a newspaper having general circulation in the town at least 15 days before such hearing and by posting such notice on the bulletin board in the lobby of the town hall.~~

~~(2) — Mailing at least 15 days prior to the date of such public hearing to the applicant and property owners within a 250-foot radius of the subject property. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate.~~

(1) Application - All applications for development review, being either a Certificate of Appropriateness for a landmarked building or structure, or a review of a historically significant building, shall be filed with Director of Planning, Zoning & Building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which is also filed with the Director of Planning, Zoning & Building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by Town staff from time to time. All applications shall include the application fee as set forth in the Town Fee schedule.



(2) Determination of Sufficiency – The Director of Planning, Zoning & Building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the Director, or their designee, determines that the application is not competent or complete, the Director of Planning, Zoning & Building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the Director, or their designee, determines that the application is competent and complete, the department will process the application.

(3) Schedule of Meetings and Deadlines – the Director of Planning, Zoning & Building shall produce each year a Schedule of Public Meetings and Deadlines for all development review applications, which can be amended from time to time. The Director shall place the Schedule of Meetings and Deadlines on the Town website.

(4) Notice of Public Hearings – Public Hearings for all development review projects, which includes the Architectural Review Commission major projects, Landmarks Preservation Commission Certificates of Appropriateness, and Town Council Special Exceptions, Variances, and Site Plan Review, shall be noticed in accordance with the following provisions:

(a) Advertisement – at least 30 days prior to the public hearing date, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.

(b) Mail Notice – at least 30 days prior to the public hearing date, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing shall be given by mail to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.

(c) Posting – At least 30 days prior to the public hearing, the Town will post a copy of the hearing notice within a conspicuous place in Town Hall.

Sec. 54-94. - ~~Commission action; Duration of Approval; Time Extension; Denial of Application; Determination; Clarification; Deferral.~~

~~Within not more than 30 days after a hearing on an application for a certificate of appropriateness, the commission shall act upon it, either approving, denying or deferring action until the next meeting of the commission, giving consideration to the factors set forth in division 3 of this article. Evidence of approval of the~~



~~application shall be by certificate of appropriateness issued by the commission, valid for a period not to exceed one year from date of issuance, and whatever its decision, a notice in writing shall be given to the applicant and the building official. The commission shall keep a record of its actions under this division.~~  
landmarks preservation  
landmarks preservation  
landmarks preservation

- (1) The applicant's approval will expire 12 months from the date of the meeting at which the decision was rendered, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within 12 months from the date of approval the commission approval becomes void also. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project.
- (2) A time extension from any of the requirements in subsection (a) may be granted or denied by the Landmarks Preservation Commission for just cause. Said time extension request shall be submitted in writing to the Planning, Zoning and Building department at least two weeks prior to an Landmarks Preservation Commission meeting occurring prior to the expiration date, or said approval shall expire.
- (3) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.
- (4) Determinations of the Landmarks Preservation Commission shall be rendered in writing.
- (5) Should a question arise as to compliance with the conditions as outlined by the Landmarks Preservation Commission actions, a clarification hearing before the Landmarks Preservation Commission may be called at the request of the director of the planning, zoning and building department, or by the applicant.
- (6) Deferrals or continuances for a specific application shall not exceed one year cumulatively for all such continuances or deferrals made by the Landmarks Preservation Commission, or the application shall be deemed null and void.

## **ORDINANCE NO. 08-2021**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE II, ADMINISTRATION, DIVISION 4, SPECIAL EXCEPTIONS, VARIANCES, AND DIMENSIONAL WAIVERS, SECTIONS 134-172 THROUGH 134-174, AND AT ARTICLE III, SITE PLAN AT SECTION 134-328; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND 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.** Chapter 134, Zoning, Article II, Administration, Division 4, Special Exceptions, Variances, and Dimensional Waivers, is hereby amended at Sections 134-172 through 134-174, as shown on Exhibit "A", attached.

**Section 2.** Chapter 134, Zoning, Article III, Site Plan, is hereby amended at Section 134-328, as shown on Exhibit "A", attached.

**Section 3.** 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 4.** 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 5.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 6.** 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, Florida, on the First Reading this \_\_\_\_ day of \_\_\_\_\_, 2021; and for the Second and Final Reading on this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Margaret Zeidman, Town Council President

\_\_\_\_\_  
Bobbie Lindsay, President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

\_\_\_\_\_  
Queenester Nieves, CMC, Town Clerk

\_\_\_\_\_  
Edward Cooney, Town Council Member

## EXHIBIT "A"

Chapter 134, Zoning  
Article II, Administration  
Division 4, Special Exceptions, Variances, and Dimensional Waivers

Sec. 134-172. - ~~Hearing procedure.~~ Uniform Development Review Procedures.

~~(a) — Applications for special exceptions or variances shall be accompanied by proper exhibits, which shall be timely filed and shall include plans, documents and other materials to adequately depict and support the request. At a minimum, all applications for a variance shall include a plot plan identifying the following information: Location of structure(s), lot size, setbacks, percent of lot coverage, percent landscaped open space (front yard and total lot), and finished topographical elevations. In addition, if historic/specimen trees are located on the subject property, a signed and sealed survey with all pertinent information including the location of historic/specimen trees is required and a detailed written explanation of how said trees shall be protected by barricading shall accompany said application. Upon receipt of the application for a special exception or variance, the procedures in this section shall be undertaken.~~



~~(b) — The director of planning, zoning and building or designee shall examine all applications requesting rezoning, special exception uses, dimensional variances or other matters requiring a public hearing to determine if they meet the requirements of this chapter, and that the action or approval requested is properly allowable by the town council under this chapter and if so shall prepare a report setting forth his recommendations. If the director or designee determines the application fails to meet the provisions of this chapter, he may schedule a pre-application conference and request modifications as may be required to bring the application within the provisions of this chapter.~~

~~(c) — After completion of subsection (b), a copy of such application shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all property owners within 300 feet from any part of the subject property at the address shown on the county property appraiser's tax records, together with a notice from the director or designee advising the date, time and location of the hearing on such application before the town council.~~

(1) Application - All applications for development review, being variances, special exception, and site plan review, shall be filed with Director of Planning, Zoning & Building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which is also filed with the Director of Planning, Zoning & Building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by Town staff from time to time. All applications shall include the application fee as set forth in the Town Fee schedule.

(2) Determination of Sufficiency – The Director of Planning, Zoning & Building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the Director, or their designee, determines that the application is not competent or complete, the Director of Planning, Zoning & Building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the Director, or their designee, determines that the application is competent and complete, the department will process the application.

(3) Schedule of Meetings and Deadlines – the Director of Planning, Zoning & Building shall produce each year a Schedule of Public Meetings and Deadlines for all development review applications, which can be amended from time to time. The Director shall place the Schedule of Meetings and Deadlines on the Town website.

(4) Notice of Public Hearings – Public Hearings for all development review projects, which includes the Architectural Review Commission major projects, Landmarks Preservation Commission Certificates of Appropriateness, and Town Council



Special Exceptions, Variances, and Site Plan Review, shall be noticed in accordance with the following provisions:

- (a) Advertisement – at least 30 days prior to the public hearing date, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.
- (b) Mail Notice – at least 30 days prior to the public hearing date, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing shall be given by mail to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.

If a variance is being requested that exceeds the maximum density or the maximum off-street parking requirements allowed in the zoning district, the notification distance shall increase to 1,000 feet. A density variance is not allowed which is inconsistent with the maximum density allowed in the town's comprehensive plan.

If a special exception application is being requested for a service station, restaurant, lounge/bar, nightclub, private social, swimming, tennis or yacht club; or any other use deemed by the director of planning, zoning and building to be an intensification of use on a property, the notification distance shall increase to 750 feet. For the purpose of this section of the Code, intensification of use shall include, but not be limited to, increased tenant square footage, increased seating, increased off-street parking demand, and increased hours of operation of a special exception use.

- (c) Posting – At least 30 days prior to the public hearing, the Town will post a copy of the hearing notice within a conspicuous place in Town Hall.

~~Such list of property owners, together with a notification map, shall be provided by the applicant and shall be certified by the applicant as being true and accurate. The applicant shall be required to mail the application to the property owners within the notification area within five days of submittal of the application to the town.~~

- ~~(d) — The director or designee shall also cause to be published in a newspaper of general circulation in Palm Beach or West Palm Beach a brief summary of such application and the date of the hearing, directed "to all to whom it may concern"; such notice to be published on two separate days not less than seven days apart, the first to be at least ten days before the meeting of the town council to consider such application. The cost of such publication shall be borne by the applicant.~~



~~(e) — No application shall be heard less than ten days after the first publication of the notice and 15 days after the mailing to property owners directly affected as provided in this section, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council in accordance with sections 134-141, 134-142, 134-201 and 134-226.~~

~~Sec. 134-173. — Deferral Request; Denial of Application; Duration of Approval; Time Extension; Clarification.~~

~~Sec. 134-173. — Judicial remedy by circuit court.~~

~~Any person aggrieved by any decision of the town council made pursuant to this chapter, on appeal within 30 days from the rendition of such decision, may appeal to the circuit court for the 15<sup>th</sup> judicial circuit for a writ of certiorari to review such decision of the town council.~~

(1f) An initial deferral requests received by the town more than seven days prior to \_\_\_\_\_ scheduled ~~town~~ Town Council hearing date may be granted for one month only or the \_\_\_\_\_ next succeeding regular ~~T~~ town ~~C~~ council meeting, if that should occur on a \_\_\_\_\_ different \_\_\_\_\_ date. Any deferred action request received seven days or less from the \_\_\_\_\_ scheduled meeting date shall be made in person at the ~~town council~~ Town Council meeting \_\_\_\_\_ at \_\_\_\_\_ the time the action item appears on the agenda. The applicant must explain \_\_\_\_\_ or \_\_\_\_\_ justify the request, which the ~~town council~~ Town Council may approve or deny. A second \_\_\_\_\_ request for deferral shall be made in person at the ~~town council~~ Town Council meeting at the \_\_\_\_\_ time the item appears on the agenda. The applicant must explain or justify the request, which the ~~town council~~ Town Council may approve or deny. A third request for \_\_\_\_\_ deferral shall be denied unless the applicant can demonstrate to the town \_\_\_\_\_ council that a compelling reason exists. Any deferral which is required due to a \_\_\_\_\_ case being deferred by the architectural commission or landmark preservation \_\_\_\_\_ commission shall be an exception to the regulation above. In no case shall a \_\_\_\_\_ deferral exceed six months.

(2g) An application request seeking substantially the same relief cannot be accepted \_\_\_\_\_ for consideration after it has been denied by the ~~town council~~ Town Council until after 12 \_\_\_\_\_ months have elapsed from the date of denial.

(3h) The work or use authorized under an approved variance or special exception \_\_\_\_\_ application must be commenced within 36 months from the date of the town \_\_\_\_\_ council approval thereof, and if not so commenced the special exception or \_\_\_\_\_ variance shall be null and void. Commencement shall be considered a the \_\_\_\_\_ issuance of a building permit for the work related to the application or a \_\_\_\_\_ business tax receipt if no building permit is required. In addition, all authorized \_\_\_\_\_ work under the building permit for said approved special exception or variance \_\_\_\_\_ must be completed within the timeframe set forth in section 105.4.1.6. of the \_\_\_\_\_ Florida Building Code as amended in section 18-242 of this Code or said \_\_\_\_\_ special exception or variance shall expire.



(4i) A request for a time extension from any of the requirements in subsection (h) may be granted or denied by the ~~town council~~ **Town Council** for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least one month prior to the expiration date or said special exception or variance approval shall expire.

(5) Should a question arise as to compliance with the conditions as outlined by the Town Council actions, a clarification hearing before the Town Council may be called at the request of the director of the planning, zoning and building department, or by the applicant.

Sec. 134-174. – Judicial remedy by circuit court.

Any person aggrieved by any decision of the Town Council made pursuant to this chapter, on appeal within 30 days from the rendition of such decision, may appeal to the circuit court for the 15<sup>th</sup> judicial circuit for a writ of certiorari to review such decision of the Town Council.

Article III, Site Plan

Sec. 134-328. - ~~Review by director of planning, zoning and building or his/her designee; notice of hearing.~~

~~(a) A copy of such application for site plan review shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all owners of all other property within 300 feet from any part of the subject property at their respective addresses as shown on the county property appraiser's tax records, together with a notice from the director of planning, zoning and building or designee advising of the date, time and location of the hearing on such application before the town council. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate. The applicant shall be required to mail the application to the property owners within the notification area within five days of submittal of the application to the town. No application shall be heard less than ten days after the first publication notice as provided in this section and 15 days after the mailing to property owners directly affected, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council.~~

~~(b) The director or designee shall also cause to be published in a newspaper of general circulation in Palm Beach or West Palm Beach a brief summary of such~~

application and the date of the hearing, directed" to all to whom it may concern", such notice to be published on two separate days not less than seven days apart, the first to at least ten days before the meeting of the town council to consider such application. The cost of such publication shall be borne by the applicant.

Site Plan application and notice shall follow the requirements found in Section 134-172, Uniform Development Review Procedures.



Ord 06-2021  
EXHIBIT "A"

Clean Version of ALL  
Exhibit "A" 's

Chapter 18, Buildings and Building Regulations  
Article III, Architectural Review  
Division 3, Procedure and Requirements

Sec. 18-201. - Construction Screening.

A construction screening plan shall be submitted as part of all major ARCOM projects that demonstrates how the adjacent neighbors will be screened from the construction activity through the use of landscaping and construction fencing/gates. Said construction screening plan must be approved by ARCOM, and the applicant must submit a permit for the approved landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major ARCOM application.

Sec. 18-202. - Uniform Development Review Procedure.

- (1) Application - All applications for development review by Arcom shall be filed with Director of Planning, Zoning & Building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which is also filed with the Director of Planning, Zoning & Building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by Town staff from time to time. All applications shall include the application fee as set forth in the Town Fee schedule. The classification of the application is designated within the ARCOM Project Designation Manual, adopted by the Town Council, and amended from time to time.
- (2) Determination of Sufficiency – The Director of Planning, Zoning & Building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the Director, or their designee, determines that the application is not competent or complete, the Director of Planning, Zoning & Building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the Director, or their designee, determines that the application is competent and complete, the department will process the application.
- (3) Schedule of Meetings and Deadlines – the Director of Planning, Zoning & Building shall produce each year a Schedule of Public Meetings and Deadlines for all development review applications, which can be amended from time to time. The Director shall place the Schedule of Meetings and Deadlines on the Town website.

- (4) Notice of Public Hearings – Public Hearings for all development review projects, which includes the Architectural Review Commission major projects, Landmarks Preservation Commission Certificates of Appropriateness, and Town Council Special Exceptions, Variances, and Site Plan Review, shall be noticed in accordance with the following provisions:
- (a) Advertisement – at least 30 days prior to the public hearing date, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.
  - (b) Mail Notice – at least 30 days prior to the public hearing date, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing shall be given by mail to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.
  - (c) Posting – At least 30 days prior to the public hearing, the Town will post a copy of the hearing notice within a conspicuous place in Town Hall.
  - (d) Architectural Review Commission minor projects with notice shall meet the advertisement and mail notice provisions of (a) and (b) above, except that the mail notice is only required to be provided to owners of property adjacent to and across the street from the subject property.
  - (e) Architectural Review Commission minor projects without notice are not required to meet the advertisement and mail notice provisions of (a) and (b) above, and a competent and complete application may be submitted in accordance with the scheduled “Final Submittal” date shown on the schedule of Public Meetings and Deadlines.”

Sec. 18-203. - Duration of Approval; Time Extension; Denial of Application; Determination; Clarification; Deferral.

- (1) The applicant's approval will expire 12 months from the date of the meeting at which the decision was rendered, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within 12 months from the date of approval the commission approval becomes void also. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project.



- (2) A time extension from any of the requirements in subsection (a) may be granted or denied by the architectural commission for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least two weeks prior to an architectural commission meeting occurring prior to the expiration date, or said approval shall expire.
- (3) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.
- (4) Determinations of the architectural commission shall be rendered in writing.
- (5) Should a question arise as to compliance with the conditions as outlined by the architectural commission actions, a clarification hearing before the architectural commission may be called at the request of the director of the planning, zoning and building department, or by the applicant.
- (6) Deferrals or continuances for a specific application shall not exceed one year cumulatively for all such continuances or deferrals made by the architectural commission, or the application shall be deemed null and void.

Ord 07-2021

EXHIBIT "A"

Chapter 54, Historical Preservation  
Article III, Certificate of Appropriateness  
Division 2, Procedures and Effect

Sec. 54-93. - Uniform Development Review Procedures.

- (1) Application - All applications for development review, being either a Certificate of Appropriateness for a landmarked building or structure, or a review of a historically significant building, shall be filed with Director of Planning, Zoning & Building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which is also filed with the Director of Planning, Zoning & Building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by Town staff from time to time. All applications shall include the application fee as set forth in the Town Fee schedule.
- (2) Determination of Sufficiency – The Director of Planning, Zoning & Building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the Director, or their designee, determines that the application is not competent or complete, the Director of Planning, Zoning & Building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the Director, or their designee, determines that the application is competent and complete, the department will process the application.



- (3) Schedule of Meetings and Deadlines – the Director of Planning, Zoning & Building shall produce each year a Schedule of Public Meetings and Deadlines for all development review applications, which can be amended from time to time. The Director shall place the Schedule of Meetings and Deadlines on the Town website.
- (4) Notice of Public Hearings – Public Hearings for all development review projects, which includes the Architectural Review Commission major projects, Landmarks Preservation Commission Certificates of Appropriateness, and Town Council Special Exceptions, Variances, and Site Plan Review, shall be noticed in accordance with the following provisions:
  - (a) Advertisement – at least 30 days prior to the public hearing date, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.
  - (b) Mail Notice – at least 30 days prior to the public hearing date, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing shall be given by mail to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.
  - (c) Posting – At least 30 days prior to the public hearing, the Town will post a copy of the hearing notice within a conspicuous place in Town Hall.

Sec. 54-94. - Duration of Approval; Time Extension; Denial of Application; Determination; Clarification; Deferral.

- (1) The applicant's approval will expire 12 months from the date of the meeting at which the decision was rendered, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within 12 months from the date of approval the commission approval becomes void also. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project.
- (2) A time extension from any of the requirements in subsection (a) may be granted or denied by the Landmarks Preservation Commission for just cause. Said time extension request shall be submitted in writing to the Planning, Zoning and Building department at least two weeks prior to an Landmarks Preservation Commission meeting occurring prior to the expiration date, or said approval shall expire.

- (3) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.
- (4) Determinations of the Landmarks Preservation Commission shall be rendered in writing.
- (5) Should a question arise as to compliance with the conditions as outlined by the Landmarks Preservation Commission actions, a clarification hearing before the Landmarks Preservation Commission may be called at the request of the director of the planning, zoning and building department, or by the applicant.
- (6) Deferrals or continuances for a specific application shall not exceed one year cumulatively for all such continuances or deferrals made by the Landmarks Preservation Commission, or the application shall be deemed null and void.

Ord 08-2021

EXHIBIT "A" Chapter 134, Zoning

Article II, Administration

Division 4, Special Exceptions, Variances, and Dimensional Waivers

Sec. 134-172. - Uniform Development Review Procedures.

- (1) Application - All applications for development review, being variances, special exception, and site plan review, shall be filed with Director of Planning, Zoning & Building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which is also filed with the Director of Planning, Zoning & Building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by Town staff from time to time. All applications shall include the application fee as set forth in the Town Fee schedule.



- (2) Determination of Sufficiency – The Director of Planning, Zoning & Building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the Director, or their designee, determines that the application is not competent or complete, the Director of Planning, Zoning & Building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the Director, or their designee, determines that the application is competent and complete, the department will process the application.
- (3) Schedule of Meetings and Deadlines – the Director of Planning, Zoning & Building shall produce each year a Schedule of Public Meetings and Deadlines for all development review applications, which can be amended from time to time. The Director shall place the Schedule of Meetings and Deadlines on the Town website.
- (4) Notice of Public Hearings – Public Hearings for all development review projects, which includes the Architectural Review Commission major projects, Landmarks Preservation Commission Certificates of Appropriateness, and Town Council Special Exceptions, Variances, and Site Plan Review, shall be noticed in accordance with the following provisions:
- (a) Advertisement – at least 30 days prior to the public hearing date, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.
- (b) Mail Notice – at least 30 days prior to the public hearing date, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing shall be given by mail to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.

If a variance is being requested that exceeds the maximum density or the maximum off-street parking requirements allowed in the zoning district, the notification distance shall increase to 1,000 feet. A density variance is not allowed which is inconsistent with the maximum density allowed in the town's comprehensive plan.

If a special exception application is being requested for a service station, restaurant, lounge/bar, nightclub, private social, swimming, tennis or yacht club; or any other use deemed by the director of planning, zoning and building to be an intensification of use on a property, the notification distance shall increase to 750 feet. For the purpose of this section of the Code, intensification of use shall

include, but not be limited to, increased tenant square footage, increased seating, increased off-street parking demand, and increased hours of operation of a special exception use.

- (c) Posting – At least 30 days prior to the public hearing, the Town will post a copy of the hearing notice within a conspicuous place in Town Hall.

Sec. 134-173. – Deferral Request; Denial of Application; Duration of Approval; Time Extension; Clarification.

- (1) An initial deferral requests received by the town more than seven days prior to scheduled Town Council hearing date may be granted for one month only or the next succeeding regular Town Council meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the Town Council meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the Town Council may approve or deny. A second request for deferral shall be made in person at the Town Council meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the Town Council may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the town council that a compelling reason exists. Any deferral which is required due to a case being deferred by the architectural commission or landmark preservation commission shall be an exception to the regulation above. In no case shall a deferral exceed six months.
- (2) An application request seeking substantially the same relief cannot be accepted for consideration after it has been denied by the Town Council until after 12 months have elapsed from the date of denial.
- (3) The work or use authorized under an approved variance or special exception application must be commenced within 36 months from the date of the town council approval thereof, and if not so commenced the special exception or variance shall be null and void. Commencement shall be considered a the issuance of a building permit for the work related to the application or a business tax receipt if no building permit is required. In addition, all authorized work under the building permit for said approved special exception or variance must be completed within the timeframe set forth in section 105.4.1.6. of the Florida Building Code as amended in section 18-242 of this Code or said special exception or variance shall expire.
- (4) A request for a time extension from any of the requirements in subsection (h) may be granted or denied by the Town Council for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least one month prior to the expiration date or said special exception or variance approval shall expire.



- (5) Should a question arise as to compliance with the conditions as outlined by the Town Council actions, a clarification hearing before the Town Council may be called at the request of the director of the planning, zoning and building department, or by the applicant.

Sec. 134-174. – Judicial remedy by circuit court.

Any person aggrieved by any decision of the Town Council made pursuant to this chapter, on appeal within 30 days from the rendition of such decision, may appeal to the circuit court for the 15<sup>th</sup> judicial circuit for a writ of certiorari to review such decision of the Town Council.

Article III, Site Plan

Sec. 134-328. - Site Plan application and notice shall follow the requirements found in Section 134-172, Uniform Development Review Procedures.