

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; AND AMENDING ARTICLE IV, DESIGNATION PROCEDURE, SECTION 54-162; 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, 54-94, and at Article IV, Designation Procedures, Section 54-162, 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of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.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.

Commented [WB9]: Notice requirements replaced with new language.

- (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.

Commented [WB10]: New application, sufficiency, and uniform notice requirements.

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

Commented [WB11]: New section title.

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.

Commented [WB12]: Hearing date now covered in Deadline & Meeting Schedule.

(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.

Commented [WB13]: New duration of approval, time extension and determination language.

(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.

(1)(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.

Commented [WB14]: Sub Sections added for clarification hearings and deferrals.

Sec. 54-162. - Creation of historic districts.

(a) Authorized. For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

~~(b) Petition for special historic district category. Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.~~

Commented [WB15]: Historic Site Survey, conducted by E.S.I., completed and adopted by the Town Council in 2021, recommended removing this language as these districts are not defined or mentioned in Chapter 54.

EXHIBIT "A"

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

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

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- (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.
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