

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, and section 207, 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of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.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.~~

Commented [WB1]: Will be Pre-App meetings.

(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 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. 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.~~

Commented [WB2]: Should be dept. policies. Related to plans. Changes to the application.

(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.~~

Commented [WB3]: 15 day deadline for minor w/o notice – covered in Deadline & Meeting Schedule. Refers to plan specifics.

(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)~~

Commented [WB4]: Notice requirements replaced with new language.

(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."

Commented [WB5]: New application, sufficiency, and uniform notice requirements.

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

Commented [WB6]: New section title.

(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.

Commented [WB7]: Sending plan to Arcom covered in Deadline & Meeting Schedule.

(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.

Commented [WB8]: Sub Sections added for clarification hearings and deferrals.

Sec. 18-207. - Site plans.

(a) A site plan shall be illustrated to scale and shall sufficiently indicate the following for consideration of visual, safety and economic factors:

- (1) Dimensions and orientation of the parcel;
- (2) Location of buildings and structures, both existing and proposed;
- (3) Location of off-street parking and loading facilities;
- (4) Location and dimensions of present and proposed street and highway dedications required to handle the traffic generated by the proposed uses;
- (5) Location of points of entry and exit for motor vehicles and internal circulation pattern;
- (6) Location of walls and fences and the indication of their height and the materials of their construction;
- (7) Indication of exterior lighting standards and devices adequate to review possible hazards and disturbances to the public and adjacent properties;
- (8) Location and size of exterior signs and outdoor advertising;
- (9) A preliminary landscaping plan, and a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan;
- (10) Grading and slopes where they affect the relationship of the buildings;
- (11) Indication of the heights of buildings and structures;
- (12) Indication of the proposed use of the buildings shown on the site; and
- (13) The location and description of all elements of an approved stormwater management plan.
- (14) Such other architectural and engineering data as may be required to permit necessary findings that the provisions of this Code are being complied with.

(15) Three-dimensional (3-D) plans may be required if the architectural commission has determined that such illustrations are necessary for consideration of the project.

(16) A physical model or a virtual model for any project involving 10,000 square feet or more of new construction.

(17) The use of story-poles or height-poles may be required for any commercial or residential new building, building addition, or building expansion.

Commented [WB9]: Recommended changes made by Arcor to allow virtually render models in place of physical building models and to be able to request story-poles for certain building additions or new buildings.

Any of the above requirements may be waived by the planning, zoning and building director if he or she deems the information not essential.

(b) Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of such proposal to the existing development.

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

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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.

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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.

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