

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 11, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: ARCOM Review and Denial of Breaker's Driving Range Awning

Date: August 4, 2021

BACKGROUND

In March of this year, the Breaker's contacted PZB staff to inquire about the process to extend their driving range awning. This awning was added to their driving range in 2018. At that time, the Breakers made a special exception / site plan application to the Town Council (at that time any new use or structure at the Breakers required a special exception and site plan approval by Council). Once the special exception / site plan was approved by Council, Town staff approved the awning and building permit. In late 2019, the Breakers approached the Town and requested a more clear cut list of uses that were permitted in the Breaker's zoning district – the PUD-A. The Council approved the list of permitted uses, which would, for the first time, limit certain minor structure and use requests to an administrative site plan review process. See the attached copy of the Breaker's permitted uses authorized by Ordinance 01-2020.

With this year's application to extend the driving range awning, Zoning Manager Paul Castro correctly requested the administrative site plan application. However, the matter was also referred to Arcom as a minor project. The Breaker's proceeded, and the matter was reviewed by Arcom at their June meeting and was deferred to the July meeting over design concerns. At the July meeting, it appeared that Arcom was ready to defer the matter again due to design concerns, but the Breaker's representative requested an "up or down vote", at which time Arcom denied the project.

GENERAL INFORMATION

Senior PZB staff have had the opportunity to review this entire matter and the history of this request. The design review of the awning, according to our current Arcom Project Designation Manual, is listed as a staff review. This is exactly how the original awning was reviewed. We now have the full history of this project and know that staff correctly required the administrative site plan application, but that a review by the Architectural Review Commission was not triggered with this application, and therefore the PZB staff decision to send the matter to Arcom was improper. The reason for this determination is that no part of the driving range awning is

visible from a public right of way. See the attached June, 2021 Arcom Project Designation Manual regarding this structure.

RECOMMENDED ACTION

Staff reviewed this matter with Skip Randolph. Mr. Randolph pointed out that although we want to remedy the mistake, since Arcom has voted to deny the project, we need to first reverse their decision. Only an appeal to Town Council can accomplish this, and this appeal was properly made in accordance with our codes.

The Council can hopefully reverse the Arcom denial and then staff can process the administrative site plan and permit the extended awning at the driving range.

The department's new land use application process will help "catch" these matters in the future before the applications are placed on the reviewing boards and commissions agendas.

Attached: Ordinance 01-2020
 Arcom Project Designation Manual

ORDINANCE NO. 1-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AS FOLLOWS: AT ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, SECTION 134-622, PERMITTED LAND USES IN THE PUD-A ZONING DISTRICT, TO ALLOW HOTELS AS A PERMITTED USE AND ADMINISTRATIVE SITE PLAN REVIEW FOR PERMITTED AND ACCESSORY USES THAT DO NOT EXCEED 2,500 SQUARE FEET; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, after public hearings pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Code of Ordinances; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered the Planning and Zoning Commission's recommendations and all evidence and testimony and as the Local Planning Agency recommended that the Town Council adopt the subject Ordinance; and

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 134, ZONING, of the Code of Ordinances, be amended as hereinafter set forth.

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

Section 1. Article V. PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-622, Permitted land uses in PUD-A district, is hereby amended as follows:

Sec. 134-622. Permitted land uses in PUD-A district

The following uses shall be permitted in planned unit developments in the PUD-A district:

- (1) Any use permitted in the R-D(1) moderate density residential district and R-D(2) high density residential district; provided, however, that the maximum density for the planned unit development shall be governed by section 134-620.
- (2) Any use permitted in the C-TS, C-WA, C-OPI or C-PC commercial district; provided, however, that commercial development within the planned unit development shall, in no case, occupy more than 20 percent of the gross area of the planned unit development. For the purpose of calculating gross density, as set forth in section 134-620, the land use measurements indicated in the table in section 134-656 shall be equivalent to a dwelling unit as defined.

(3) Hotels.

(4) Golf courses and other uses that are customarily accessory to a principal hotel use.

(5) Site plan review modifications for permitted and accessory uses that do not exceed 2,500 square feet may be approved administratively without Town Council review if the Director of Planning, Zoning and Building determines that such modifications will not create adverse impacts on surrounding properties or Town facilities.

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.

Section 5. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 15th day of January, 2020, second reading and final adoption on this 12th day of Feb., 2020.

The seal of the Town of Palm Beach, Florida, is a circular emblem. It features a palm tree in the center, with the words "TOWN OF PALM BEACH" around the top and "FLORIDA" around the bottom. The words "INCORPORATED 1925" are also visible.
Gail L. Coniglio
Gail L. Coniglio, Mayor

Danielle H. Moore
Danielle H. Moore, Town Council President

Margret A. Zeidman
Margret A. Zeidman, Council President Pro Tem

Julie Arasko
Julie Arasko, Town Council Member

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

Patricia Gayle-Gordon
Patricia Gayle-Gordon, Acting Town Clerk

Bobbie Lindsay
Bobbie Lindsay, Town Council Member



Town of Palm Beach

ARCOM PROJECT DESIGNATION MANUAL

All improvements contemplated in an application for a construction permit are subject to review by the Architectural Commission (ARCOM) in accordance with Chapter 18, Article III of the Town's Code of Ordinances, except as noted in Sec. 18-175(c) Exceptions. This ARCOM PROJECT DESIGNATION MANUAL was adopted by Town Council on April 15, 2015, amended on August 12, 2020 and on April __, 2021 – which summarizes the classification of projects in order to assist applicants in determining the type of architectural review required for their project. The Notice requirements for each classification are contained in Chapter 18, Article III of the Town's Code of Ordinances.

Please consult the following list to determine what review will be required for your project. You may contact the Planning Division by email pzb@townofpalmbeach.com or by phone (561) 838-5430 to verify the project designation category of your proposed work, or if you have questions.

PLEASE NOTE:

- Exterior work is subject to design review and is conducted at the discretion of the Director of the Planning, Zoning & Building Department, or his or her designee.
- Substantial changes to plans previously approved by a Commission require review by respective Commission.
- Any project which may impact neighboring residents, or that requires variance(s), special exception(s), or site plan review, will require design review by a Commission – at least as a minor project with notice for ARCOM – unless otherwise determined by the Director of the Planning, Zoning and Building Department, or his or her designee.
- **No more than three staff approval applications will be considered for one property within a six-month period.**
- Similar replacements require design review – which may be able to be completed by staff.
- All Lighting projects must meet the “Town of Palm Beach Exterior Lighting Requirements.”

A. MAJOR PROJECTS

1. DEMOLITION

- a) Demolition of more than 20% of any structure.

2. NEW CONSTRUCTION

- a) New detached enclosed (or mostly enclosed) building or structure.
- b) New athletic facilities, e.g. tennis court, not on single- or two-family residence.

3. ADDITIONS

- a) Any addition that is not on single-family residence.
- b) Two-story addition or greater on single-family residence.
- c) **Second-story addition on single-family residence that is visible from public right-of-way or greater than 150 square feet.**
- d) First-story addition on single-family residence that is visible from public right-of-way.

4. MODIFICATIONS

- a) Installation of PVC fencing that is visible from public right-of-way.
- b) Installation of antenna or cell tower that is visible from public right-of-way.
- c) Construction of stair tower that is not on single-family residence.
- d) Substantial changes to hardscape/landscape/landscape lighting.

5. OTHER

- a) Multiple minor projects presented at the same time.

B. MINOR PROJECTS WITH NOTICE

1. MODIFICATIONS

- a) Installation of solar panels.
- b) Installation of new driveway gate.
- c) Installation of new (or changes to) fencing or site walls (non-PVC) along or near property lines or that are visible from public right-of-way.
- d) Changes to fenestration on a property in the C-WA district.
- e) Substantial changes to fenestration that is not on single-family residence.
- f) Installation of new, upgraded, or relocated generator that is over 60 kW.
- g) Installation of any new, upgraded, or relocated mechanical equipment which may impact neighboring residents.
- h) Changes to hardscape/landscape/landscape lighting along or near property lines, that are visible from public right-of-way, or which may impact neighboring residents.

C. MINOR PROJECTS WITHOUT NOTICE

1. NEW CONSTRUCTION

- a) New partially enclosed or unenclosed structure that is visible from public right-of-way.
- b) New athletic facilities, e.g. tennis court, on single- or two-family residence.

2. ADDITIONS

- a) Second-story addition on single-family residence that is not visible from public right-of-way and 150 square feet or less.
- b) First-story addition on single-family residence that is not visible from public right-of-way and greater than 400 square feet.

3. MODIFICATIONS

- a) Changes to design or material of driveway gate.
- b) Substantial changes to driveway design or material.
- c) Installation of new (or changes to existing) pedestrian gate that is visible from public right-of-way.
- d) Installation of PVC fencing that is not on single-family residence and that is not visible from public right-of-way.
- e) Changes to roofing or siding material that is not on single-family residence.
- f) Substantial changes to roofing design or materials on single-family residence.
- g) Any changes to fenestration that is not on single-family residence.
- h) Substantial changes to fenestration on single-family residence.
- i) Changes to garage door design or material that are visible from public right-of-way.
- j) Installation of new (or changes to existing) awning that is not on single-family residence and that is visible from public right-of-way.
- k) Installation of hurricane shutters that are non-removable.
- l) Installation of hanging sign in commercial area.
- m) Installation of lighting that is not on single-family residence.
- n) Installation of feature, e.g. statue or fountain, that is visible from public right-of-way.
- o) Installation of artificial turf.
- p) Changes to hardscape/landscape/landscape lighting plans previously approved by the Commission and visible from public right-of-way.

4. OTHER

- a) Multiple staff approval projects presented at the same time.



D. STAFF APPROVAL PROJECTS

1. DEMOLITION

- a) Demolition of athletic facilities, e.g. tennis court, or other impervious hardscape if replaced by landscape.

2. NEW CONSTRUCTION



- a) New partially enclosed or unenclosed structure that is not visible from public right-of-way.

3. ADDITIONS

- a) First-story addition on single-family residence that is not visible from public right-of-way and 400 square feet or less.

4. MODIFICATIONS

- a) Replacement of driveway or pedestrian gate that is similar in design and materials to existing.
- b) Non-substantial changes to driveway material.
- c) Installation of PVC fencing on single-family residence that is not visible from public right-of-way.
- d) Installation of new (or changes to) fencing or site walls (non-PVC) on interior of lot and that are not visible from public right-of-way.
- e) Minor changes to roofing design or materials on single-family residence.
- f) Installation of new gutters and downspouts.
- g) Minor changes to fenestration on single-family residence.
- h) Changes to garage door design or material that are not visible from public right-of-way.
- i) Installation of new (or changes to existing) awning on single- or two-family residence that is not visible from public right-of-way.
- j) Installation of hurricane shutters that are removable, or replacement of existing.
- k) Installation of signage.
- l) Installation of lighting on single-family residence.
- m) Installation of any new, upgraded, or relocated mechanical equipment, including a generator that is 60kW or less, with no expected impacts to neighboring residents.
- n) Construction of new pool.
- o) Installation of outdoor shower.
- p) Installation of feature, e.g. statue or fountain, that is not visible from public right-of-way.
- q) Minor changes to hardscape/landscape/landscape lighting on interior of lot and that are not visible from public right-of-way.

E. NO DESIGN REVIEW REQUIRED

1. DEMOLITION

- a) Any demolition that does not require review as a major project.

2. MODIFICATIONS

- a) Installation of new, or expansion of existing, dock – including boat lifts.
- b) In kind replacement (same design, same materials, same color) of architectural and site features – for the purposes of maintenance.

These descriptions are provided as examples only, and are not intended to be all-inclusive. The Director of the Planning, Zoning and Building Department, or his or her designee, may determine that the particular characteristics of a proposed project may warrant notice and/or further review by the Commission.

All requests for approval, authorization, interpretation or direction under the requirements of Sec. 18-175 of the Town's Code of Ordinances shall be submitted to the Planning, Zoning and Building Department in writing. All work which is the subject of such application may only proceed in conformance with and after receipt of written authorization by the Planning, Zoning and Building Department Director, or his or her designee.