

ORDINANCE NO. 013-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 18 OF THE TOWN CODE ORDINANCES TITLED BUILDINGS AND BUILDING REGULATIONS AT ARTICLE III, ARCHITECTURAL REVIEW, AMENDING SECTION 18-175, ISSUANCE OF PERMITS, BY AMENDING SUBSECTION (a) RELATING TO REQUESTS FOR DEMOLITION SO AS TO REMOVE ARCOM'S AUTHORITY TO CONSIDER DEMOLITION REQUESTS; AMENDING SECTION 18-206 AND MOVING THIS SECTION TO CHAPTER 18, ARTICLE II, ADMINISTRATION OF PLANNING, ZONING AND BUILDING, DIVISION 5, PROHIBITION ON DEMOLITION, AS SECTION 18-113; CHANGING THE TITLE OF ARTICLE II, ADMINISTRATION OF PLANNING, ZONING AND BUILDING, DIVISION 5, FROM "PROHIBITION ON DEMOLITION" TO "DEMOLITION"; AND AMENDING SECTION 18-240 AND MOVING THIS SECTION TO CHAPTER 18, ARTICLE II, ADMINISTRATION OF PLANNING, ZONING AND BUILDING, DIVISION 5, DEMOLITION AS SECTION 18-114; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE

WHEREAS, the Legislature of the state of Florida, by adoption of HB 423, has precluded municipalities from prohibiting or regulating the demolition of certain structures located in coastal high-hazard areas, and other flood zones; and

WHEREAS, most properties within the Town are located within said flood zones; and

WHEREAS, to comply with the provisions of HB 423, the Town hereby amends the Town Code of Ordinances at Chapter 18, by amending Sections 18-175, 18-206 and 18-240; and to move the amended Sections 18-206 and 18-240 into Chapter 18, Article II, Administration of Planning, Zoning and Building, as Sections 18-113 and 18-114.

Section 1. Chapter 18, Article III, Architectural Review, Division 2, Architectural Commission, Section 18-175(a) of the Town Code of Ordinances is hereby amended, as follows:

"Sec. 18-175. - Issuance of permits.

- (a) *Approval of request. Unless requests for ~~demolition (request shall be reviewed considering proposed date to demolish, construct, and future use of new construction)~~, building and landscaping plans, elevations and proposed signs for buildings or structures, or alterations thereto, including reroofing that involves a significant change in materials or appearance, have been approved by the architectural commission, or by the town council on appeal, no permit shall be issued for any such ~~demolition~~, building, structure, sign, or other development of property, or appurtenances or alterations thereto. In addition to the criteria outlined in section 18-205, such requests will be reviewed in accordance with the procedures set forth in the ARCOM Project Designation Manual, as adopted by the*

town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the architectural commission. ”

Section 2. Chapter 18, Article III, Division 3, Procedure and Requirements, Section 18-206 of the Town Code of Ordinances is hereby amended, as follows below; and the amended Section is moved into Chapter 18, Article II, Administration of Planning, Zoning and Building, Division 5, Prohibition on Demolition, as Section 18-113:

*“Sec. 18-~~206~~ 113. - Criteria for demolition permit.
A demolition permit shall be granted upon the following conditions being met:*

- (1) The property is not designated a landmark ~~and is not included on a list of properties within the planning, zoning, and building department placed under consideration as a landmark structure.~~*
- (2) Reserved.*
- (3) That perimeter landscaping and other landscaping considered ~~by the architectural commission~~ to be worthy of saving be left in place and/or preserved in a manner satisfactory to the ~~architectural commission~~ town.*
- (4) If construction is not to begin within 30 days subsequent to demolition, the lot shall be completely sodded and irrigated so as to assure that the property will have a neat and clean landscaped appearance.*
- (5) An agreement is entered into between the property owner and the town wherein the property owner agrees, in writing, to the conditions for demolition established by the architectural commission and further agreeing that in the event of a violation of any of the conditions placed upon the granting of the demolition permit, the property owner shall pay to the town a fee of \$250.00 per violation per day. In the event the property owner refuses to pay any fine as required within 15 days after a notice of violation, the town may, at its expense, correct the violation and present a bill to the owner for the cost of correction. In the event the bill is not paid within 30 days of the date of the bill, the town may place a lien against the property for the costs incurred by the town. Further, no permit to construct shall be given until the fine or lien has been satisfied.”*

Section 3. The title of Chapter 18, Article II, Administration of Planning, Zoning and Building, Division 5, Prohibition on Demolition, will be re-titled as Demolition.

“DIVISION 5. – ~~PROHIBITION ON~~ DEMOLITION”

Section 4. Chapter 18, Article IV, Florida Building Code, Section 18-240 of the Town Code of Ordinances is hereby amended, as follows below; and the amended Section is moved into Chapter 18, Article II, Administration of Planning, Zoning and Building, Division 5, Demolition, as Section 18-114:

"Sec. 18-~~240~~ 114. - Demolition permits.

Each application for a complete or major demolition permit shall include the following information as required by the building official.

(1) A cash bond or irrevocable letter of credit redeemable at a Palm Beach County financial institution in an amount as established by adoption of a resolution by the town council and amended by adoption of a resolution of the town council;

~~(2) Approval from either the Town of Palm Beach Architectural Commission or the Landmark Preservation Commission;~~

(~~3~~) An approved erosion control/parking plan, construction screening plan and a truck logistics plan;

(~~4~~) A statement confirming that if reconstruction does not commence within 30 days or a reconstruction permit becomes null and void the site shall be irrigated and sodded within ten working days of demolition or default and the property maintained so as not to be in an unsightly condition;

(~~5~~) An affidavit confirming that notice to owners of all properties within ~~200~~ 300 feet of proposed demolition has been provided no less than fourteen (14) days prior to the actual demolition, and no more than thirty (30) days prior to the actual demolition, in substantial accordance with a form as provided by the town."

Section 5. 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 6. 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 7. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 8. 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 on first reading this 13th day of July, 2022, and for second and final reading on this 10th day of August, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member