

10/13/16

ORDINANCE NO. 19- 2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS: AT SECTION 18-201, PRELIMINARY SKETCH; SITE PLAN; FINAL PLAN, SUBSECTION (b), BY CLARIFYING THAT ARCHITECTURAL COMMISSION APPLICATIONS SHALL BE MADE ON A STANDARD TOWN FORM, THAT MAJOR PROJECTS AND MINOR PROJECTS WITH NOTICE APPLICATIONS MUST BE SUBMITTED AT LEAST 35 DAYS IN ADVANCE OF THE ARCHITECTURAL COMMISSION MEETING, THAT REVISIONS TO CERTAIN APPLICATIONS MUST BE SUBMITTED AT LEAST 15 DAYS IN ADVANCE OF THE ARCHITECTURAL MEETING, AND CORRECTING CROSS-REFERENCE SECTION NUMBERS; AT SUBSECTION (c) BY CLARIFYING THAT ARCHITECTURAL COMMISSION APPLICATIONS SHALL BE MADE ON A STANDARD TOWN FORM, THAT MINOR PROJECTS WITH NO NOTICE MUST BE SUBMITTED AT LEAST 15 DAYS IN ADVANCE OF THE ARCHITECTURAL COMMISSION MEETING, AND CORRECTING CROSS-REFERENCE SECTION NUMBERS; AT SECTION 18-202, NOTICE; PHOTOGRAPHS, SUBSECTION (2) AND (3), BY REQUIRING THAT A GRAPHIC DEPICTION SHOWING A BUILDING AND LANDSCAPING ELEVATION OF EACH MAJOR PROJECT AND MINOR PROJECT WITH NOTICE BE INCLUDED IN THE NOTICE, REQUIRING THAT NOTICES BE MAILED TO NEARBY PROPERTY OWNERS AT LEAST 30 DAYS IN ADVANCE OF THE ARCHITECTURAL COMMISSION MEETING, REQUIRING APPLICANTS TO PROVIDE AN AFFIDAVIT VERIFYING COMPLIANCE WITH NOTICE PROVISIONS; AND THAT DIGITIZED COLOR PHOTOGRAPHS MEASURE AT LEAST 4" X 6"; AND AT SECTION 18-203, REFERRAL OF PLANS TO COMMISSION, REQUIRING THAT THE ARCHITECTURAL COMMISSION SHALL ACT ON APPLICATIONS WITHIN 40 DAYS OF FILING DEADLINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearing pursuant to notice required by law, the Ordinance, Rules & Standards Committee voted to support proposed Architectural Commission procedural changes; and,

WHEREAS, after recommendation from the Ordinance, Rules & Standards Committee, The Town Council directed staff to proceed forward with the adoption of revised Architectural Commission procedural changes; and,

WHEREAS, after public hearing pursuant to notice required by law, the Ordinance, Rules & Standards Committee voted to support proposed Architectural Commission procedural changes; and,

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

Section 1. Division 3. PROCEDURE AND REQUIREMENTS is hereby amended to read as follows:

- **Sec. 18-201. – Preliminary sketch; site plan; final plan.**
- (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 confirm to section 18-207. Plan revisions, if made, shall be submitted to the Town at least 15 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 designed 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.

(Ord. No. 11-2015, § 1 (Att.), 4-15-15)

Section 2. PROCEDURE AND REQUIREMENTS is hereby amended to read as follows:

Sec. 18-202. – Notice; photographs.

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" x 6".

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Section 3. PROCEDURE AND REQUIREMENTS is hereby amended to read as follows:

Sec. 18-203. – Referral of plans to commission.

- (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.
- (b) 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.
- (c) 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.
- (d) Determinations of the architectural commission shall be rendered in writing.
(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Section 4. 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 5. 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 6. Codification.

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

Section 7. Effective Date.


This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

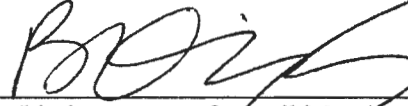
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of October, 2016, and for second and final reading on this ____ day of November, 2016.

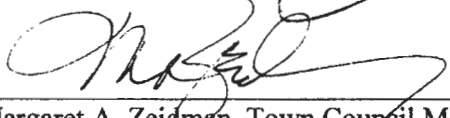

Gail L. Coniglio, Mayor


Michael J. Pucillo, Town Council President

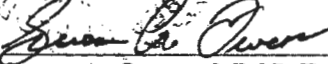

Richard M. Kleid, Council President Pro Tem


Danielle H. Moore, Town Council Member


Bobbie Lindsay, Town Council Member


Margaret A. Zeidman, Town Council Member




Susan A. Owens, MMC, Town Clerk