

*Draft  
2021*

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the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.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

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

### Construction Screening.

Department director or his/her representative shall be informed of any structural

to the requirements of this  
and form prescribed by, the  
owner or designer, at least 35 days  
is classified as major projects or  
ACOM Project Designation  
the plan as defined by section  
to will assist the architectural  
government director or his/her  
to a or major alteration. Final  
issued in a format as specified by  
to be of sufficient clarity to  
and show in detail that it will  
of each set of plans shall give  
list of the owner and the person  
in section 18-297. Plan  
will then occur, ten days prior to  
to be considered. Only minor  
changes noted at that meeting,  
may zoning and building

all of the roof elements of this system prescribed by the manufacturer and at least 15 days of elements classified as minor repair. Manual inspection submitted in 2-107 and exterior elevations inspection and the planning, involved in evaluating the elements and elements shall be the planning, timing and details the roof and extent

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

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

Application fee as indicated by the  
Application fee as indicated by the  
Application fee as indicated by the

Specifications shall include the  
 require. The classification of the  
 Next Designation Manual,  
 on time to time.

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Director of Planning  
applicant as to the  
taken on the applic  
designee determine  
department or make

Planning, Zoning & Building, or  
required documents and  
to the Director, or their  
competent or complete, the  
designee, shall notify the  
the case, no other action shall be  
remedied. If the Director or their  
competent and complete, the

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Board of Planning, Zoning &  
Public Meetings and Deadlines  
can be amended from time to  
meetings and deadlines on the

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development review projects,  
on major projects. Landmarks  
process, and Town Council  
law, shall be noticed in:

the project on the criticism of the project on the signing sheet appeared any

Hearing date, a description of  
setting and location of the  
circulation. The notice will be

1. **Notice** = a notice  
 2. **a notice** = a notice  
 3. **feeding** = feeding  
 4. **repeatedly** = repeatedly  
 5. **parts** = parts  
 6. **actions** = actions

hearing date, the applicant shall  
 - set the date, start time of the  
 - by mail to the owners of record  
 - report to the application.  
 - actions necessary to meet this  
 - identified in the application

3. The Town will post a copy of the Hall.

advertise *advertis* + *se* (to put up an advertisement)



Sec. 18-203. -

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

- (c) 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.
- (d) 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
- (e) Determinations of the architectural commission shall be rendered in writing.

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

Commented [WB6]: New section title.

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

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 may be required for any for any project involving 10,000 square feet or more of new construction.

may be required for any  
building addition, or building  
expansion

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.

**Commented [WB9]:** Recommended changes made by Arcom 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.



## EXHIBIT "A"

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

#### Sec. 18-201. - Construction Screening.

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.

- (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.”

**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.

- (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 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.

#### 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.

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.