

6/9/21
Curtis

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.

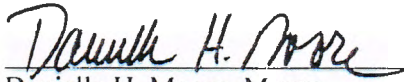
Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

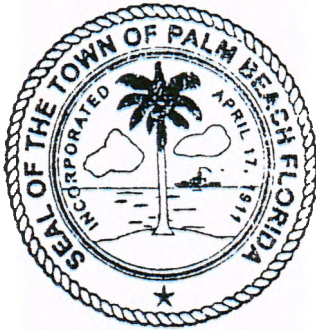
Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

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.

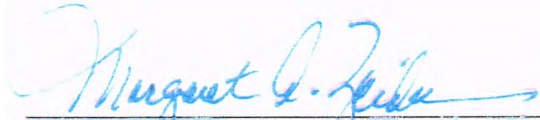
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this 12th day of May, 2021; and for the Second and Final Reading on this 9th day of June, 2021.



Danielle H. Moore, Mayor

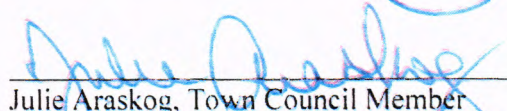


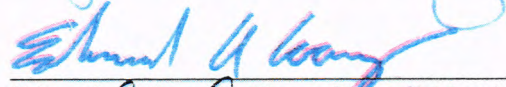
ATTEST:


Queenester Nieves, CMC Town Clerk


Margaret A. Zeidman, Town Council President


Bobbie Lindsay, Council President Pro Tem


Julie Araskog, Town Council Member


Edward A. Cooney, Town Council Member

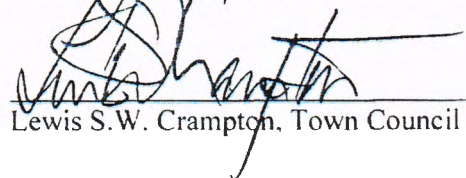

Lewis S.W. Crampton, Town Council Member

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 the 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 must be 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 ARCOM 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, 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) ARCOM 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) ARCOM 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, or a date otherwise determined by the director of planning, zoning and building.

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. 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 (1) 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, which must occur 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, and placed on the next available agenda.
- (6) Deferrals for a specific application shall not exceed one year cumulatively for all such deferrals made by the architectural commission, or the application shall be deemed null and void.
- (7) An initial deferral request received by the town more than seven days prior to scheduled commission hearing date may be granted for one month only or the next succeeding regular commission meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the commission meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A second request for deferral shall be made in person at the commission meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the commission that a compelling reason exists.

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.