TOWN OF PALM BEACH

Information for Town Council Meeting on: August 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of PZB & James Murphy, Asst. Director of PZB

Re: Discussion Item - Some Simple Code Fixes to Resolve Current Issues

Date: August 2, 2022

GENERAL INFORMATION

We would like to bring to your attention several current issues that we are frequently finding that we believe can be easily resolved by staff. These issues are probably too micro—or below the radar—to be part of the zoning code review and analyses by ZoneCo and The Corradino Group. That is the reason we are bringing these items before you now. We believe code review and code reform (if acted upon) will not provide any different outcome than the solutions we can provide at this time.

These current items are:

- The 'BTR Clause'. Currently all commercial zoning districts have lists of permitted and special exception uses. PZB staff is finding that the current code provisions require that basic retail to retail, or bank to bank, or office to office, build outs, that are not expressly a *change of use* from one category to another, require a special exception before a BTR can be issued by the new tenant or owner.

- Floodplain variances, for Landmarked or Historically Significant buildings, must be considered and granted by Town Council.

- Subdivisions and Lot Splits are generally items regulated by the Town, and possibly reviewed by the Town Council. Staff believes that the recent Blossom Estates subdivision and recent lot splits (without any Town involvement) point to the need to update the subdivision code.

- A mandatory six-foot tall landscape hedge is required to screen parking of vehicles along roadways.

- Currently, the R-C district zoning has two sets of differing regulations that are codified.

- Site Plan Review required by Town Council for a generator (100 KW, or larger) building. The Code requires generators of this output to be enclosed in a building that comports with zoning requirements. These projects are vetted through ARCOM and LPC. Town Council review seems an unnecessary step.

- Nonconforming lots requiring site plan and/or special exceptions (if platted or developed with a single-family home in the past).

- Ord. 96-2021, or more specifically for marginal docks, which when adopted last year may have been overreaching in its regulations.

- Pool equipment required to be placed within 25 feet of a pool.

- Nine definitions for building height.

We would like the Town Council to consider, at this time, the first three items – the BTR, floodplain variance and subdivision matters.

BTR's – several (but not all) of our commercial zoning districts link the ability of a new or relocated business that occupies existing commercial space with the same or similar use (such as office to office, or bank to bank) to obtain a special exception from Town Council before the issuance of a BTR. This seems somewhat punitive to the businesses and adds five to ten projects a year onto the Town Council Development Review agendas. PZB staff maintains that basic retail to retail, or bank to bank, or office to office improvements can be handled administratively.

Floodplain Variances – our historically preserved buildings require a floodplain variance for any substantial improvements or small additions. This is required by FEMA and the FBC. In most cases the variances are "de minimus" or necessary for the preservation of the home, so possibly shift the variance consideration and approval from the Town Council to the Landmarks Preservation Commission, or possibly to administrative waivers reviewed by staff. Or at minimum, modify the public notice requirement for these applications.

Subdivisions and Lot Splits – these are items generally regulated by the Town, and possibly reviewed by the Town Council. Staff believes that the recent Blossom Estates subdivision and recent lot splits (without any Town involvement) point to the need to update the subdivision code. The subdivision code only partially addresses the subdivision and lot split process, and the code ignores the final subdivision step. Simple, model code updates should correct these deficiencies.