

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2022

To: Mayor & Town Council

From: Wayne Bergman, Director of PZB

Via: Kirk Blouin, Town Manager

Re: ARCOM Requests for Matters to be Considered by the Town Council

Date: December 7, 2022

1. At the October 26, 2023 ARCOM meeting, the members discussed the possibility of amending the Town Code to require approval of replacement buildings before demolitions actually take place. ARCOM requested that this matter be presented to the Town Council.

Currently Chapter 18 does not mandate any connection between the demolition process and approval of new buildings. Many applicants request demolition approval and permits and demolish their building(s) before presenting plans for the replacement building(s). Some communities do require the new building plans to be reviewed before demolition permits are issued.

Although discussed by Arcom and with their request for the matter to be presented to the Town Council, staff has concern that the intended change could conflict with the recently enacted HB 423. The new law clearly states that certain single-family applications for demolition permits “may not be subject to any additional land development regulations or public hearings.” New / replacement buildings are subject to both land development regulations and public hearings by Arcom, and possibly by Town Council. Therefore, this proposed change appears to conflict with State law. See attached.

2. At the November 18, 2023 ARCOM meeting, a motion was made to have demolition plans come before ARCOM. This also appears to be a violation of HB 423. Staff is currently reviewing all demolition plans.
3. Also at the November 18, 2023 ARCOM meeting, a motion was made to have all two-story buildings to provide a story pole. Last year, at ARCOM’s direction, staff added the use of story poles into Chapter 18. See attached. The mandate to install a story pole where an existing building remains may be problematic. A story pole used on a vacant lot should be easy. Staff would like to further discuss this matter with ARCOM.

CC: ARCOM Members

F.S. 553.79

(25)(a) A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided that such permit otherwise complies with all applicable Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, or local amendments thereto.

(b) An application for a demolition permit sought under this subsection may only be reviewed administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulations applicable to a similarly situated parcel. Applications may not be subject to any additional local land development regulations or public hearings. A local government may not penalize a private property owner for a demolition that is in compliance with the demolition permit.

(c) If a single-family residential structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure which would not otherwise be applicable to a similarly situated vacant parcel.

(d) This subsection does not apply to any of the following:

1. A structure designated on the National Register of Historic Places.
2. A privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022.
3. A privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, OCTOBER 26, 2022

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Vice Chair Sammons called the meeting to order at 9:03 a.m.

II. ROLL CALL

Jeffrey W. Smith, Chairman	ABSENT (Unexcused)
Richard F. Sammons, Vice Chairman	PRESENT
John David Corey, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	ABSENT (Excused)
Kenn Karakul, Member	PRESENT (Arrived at 9:07 a.m.)
Dan Floersheimer, Alternate Member	ABSENT (Unexcused)
Elizabeth Connaughton, Alternate Member	PRESENT
Joshua L. Martin, Alternate Member	PRESENT

Staff Members present were:
Sarah Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Deputy Town Clerk
John C. Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Vice Chair Sammons led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 28, 2022 MEETING

Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the minutes from the September 28, 2022 meeting as presented. Motion carried unanimously, 5-0.

V. **APPROVAL OF THE AGENDA**

Ms. Pardue asked for a motion to approve the agenda with the following changes listed on the agenda modification sheet:

Project Description modification to ARC-22-029, 411 Brazilian Avenue

Deferral of ARC-22-0136 (ZON-22-101), 980 S. Ocean Blvd. to the November 18, 2022 Meeting

Deferral of ARC-22-0148 (ZON-22-105), 150 Seminole Avenue to the November 18, 2022 Meeting

Deferral of ARC-22-097, 142 Peruvian Avenue to the November 18, 2022 Meeting

Move ARC-22-218, 2335 S. Ocean Blvd to Minor Projects – New Business

Move ARC-22-224, 111 El Brillo Way to Minor Projects – New Business

Motion made by Mr. Corey and seconded by Ms. Grace to approve the agenda as amended. Motion carried unanimously, 6-0.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VII. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**

Wayne Bergman, Director of Planning, Zoning and Building, indicated that due to the November holiday schedule, a deferral for one month would require items to be submitted no later than November 2, 2022. If the quick deadline is not obtainable, it would be best to consider deferring until December or January.

Ms. Connaughton expressed concern for a demolition approval prior to a review of any future/replacement plans. She entertained the idea of working with the Town Council to devise a plan for finding out what plans were in place for property where a request for demolition is being made. Vice Chair Sammons agreed. Ms. Pardue said staff would make sure this was brought to the attention of the Town Council. She added there may be something staff could prepare to bring back to the Architectural Review Commission (ARCOM) next month, at least for discussion.

Skip Randolph, Town Attorney, advised discussion about plans following demolition had previously been taken to Town Council. At this time, since the zoning code was being reviewed, Mr. Randolph believed it was an appropriate time to present this discussion to Town Council.

VIII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **ARC-22-146 (ZON-22-104) 9 SLOANS CURVE DR (COMBO)** The applicant, Sean Hannity, has filed an application requesting Architectural Commission review and approval for the construction of a 409 SF second story addition and the installation of a 20-kw generator for an existing townhouse within an approved Sloan's Curve PUD, requiring a Special Exception with Site Plan Review. This is a

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.