

RESOLUTION NO. 039-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, OPPOSING AND URGING THE FLORIDA LEGISLATURE NOT TO ADOPT HOUSE BILL 1317 AND COMPANION SENATE BILL 1346, WHICH WOULD PREEMPT THE TOWN'S AUTHORITY TO ENFORCE MAJOR PROVISIONS OF ITS HISTORIC PRESERVATION ORDINANCE AND UNDERMINE PROTECTIONS FOR LOCALLY DESIGNATED HISTORIC BUILDINGS AND STRUCTURES; ADDING THIS MATTER TO THE TOWN'S LIST OF LEGISLATIVE PRIORITIES FOR THE 2023 FLORIDA LEGISLATIVE SESSION; AND DIRECTING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO THE BILL SPONSORS, THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE, AND THE PALM BEACH COUNTY DELEGATION.

WHEREAS, about 390 Town of Palm Beach historic buildings and structures are currently protected under the Town's Historic Preservation regulations; and

WHEREAS, the Town's Historic Preservation Ordinance establishes robust protections for the Town's historic architecture, which protections are contained within the Town Code of Ordinances; and

WHEREAS, House Bill 1317, and companion Senate Bill 1346 (the "Bills"), were introduced during the 2023 Session of the Florida Legislature; and

WHEREAS, the Bills would preempt the Town's authority to protect historic buildings from demolition, even if a building is structurally sound or actively used, and even if the building has no violations under the Florida Building Code; and

WHEREAS, the Bills would prohibit the Town of Palm Beach, and any other local government in Florida, from restricting the demolition of any building which the Bills identify as a "nonconforming structure"; and

WHEREAS, the Bills would also preempt the Town's ability to place conditions relative to design, height, and square footage on replacement construction, when a historic building is demolished; and

WHEREAS, these preemptions would result in incompatible development, out of scale and character with surrounding properties and negatively impacting property values; and

WHEREAS, the Bills would encourage and incentivize demolition and demolition by neglect of historic properties, resulting in vacant, derelict structures; and

WHEREAS, the loss of historic buildings would irreparably harm the cultural and architectural identity of the Town, resulting in a decrease of the Town's heritage and existing culture, which would negatively impact the local economy.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA,

That the Mayor and Town Council hereby strongly oppose and urge the Florida Legislature not to adopt House Bill 1317 and companion Senate Bill 1346, which would preempt the Town's authority to enforce major provisions of its Historic Preservation Ordinance and undermine protections for locally designated historic buildings and structures; to add this matter to the Town's list of legislative priorities for the 2023 Florida Legislative Session; and to direct the Town Clerk to transmit this Resolution to the bill sponsors, the Speaker of the House and President of the Senate, and the Palm Beach County Delegation.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____ day of _____, 2023.

Danielle H. Moore, Mayor

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Lewis S.W. Crampton, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kelly Churney, Acting Town Clerk

Margaret A. Zeidman, Town Council Member