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By elyn at 12:46 pm, Nov 21, 2023

## LETTER OF INTENT

**DATE:** November 20, 2023

**TO:** Town of Palm Beach, Planning, Zoning & Building Dept.

**RE:** ZON-24-00x 100 FOUR ARTS PLZ

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<b>Future Land Use (“FLU”):</b>	Private Group Use (“PGU”)
<b>Proposed Zoning District:</b>	Cultural Institution District (“CI District”)
<b>Municipality:</b>	Town of Palm Beach (“Town”)

### **REQUEST**

On behalf of the Society of the Four Arts, Inc. (“**Applicant**”), Shutts & Bowen LLP (“**Agent**”) submits this request for a Zoning Code of Ordinances (“**Code**”) Text Amendment, and a Comprehensive Plan (“**Comp Plan**”) Text Amendment. Specifically, the request is to amend the Code to allow for a new CI District designed to implement the PGU FLU, a copy of which is attached hereto as **Exhibit “A”**; and to update the text in the Policy 2.3 of the Comp Plan by deleting text inconsistent with the PGU FLU, a copy of which is attached hereto as **Exhibit “B”**. Currently, there are no zoning districts that are consistent with the PGU FLU.

The Town assigned the Applicant’s property and other properties a PGU FLU designation, but failed to create a zoning district consistent with the PGU FLU. As such, the Applicant proposes to create the CI District for that purpose and amend the text in the Comp Plan to ensure consistency with the CI District.

### **BACKGROUND**

The Town has been forward thinking for almost 100 years. It adopted its first “Plan” in 1930, which had a goal to preserve and enhance “the charming character of Palm Beach”. However, in 1985, Florida adopted changes creating a new Local Government Comprehensive Planning and Land Development Regulation Act (“**Act**”) that required local governments to adopt a Comp Plan by 1989. The Act has very specific requirements which the Town’s 1930 “Plan” could not satisfy. As such, the Town conformed with the requirements of the Act and adopted its Comp Plan in 1989, by which it is now guided.

It is not the intent of the Comp Plan to require the inclusion of implementing regulations, but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the Comp Plan and the principles that describe how the programs, activities, and land development regulations will be carried out.

Chapter 134 of the Code was adopted to establish comprehensive controls for the development of land in the Town based on the Comp Plan for the Town, and this chapter is enacted in order to protect, promote and improve the public health, safety, morals and the general welfare of the people.

Chapter 134, Article VI, Division 1 establishes the zoning districts which are designed to implement the FLU designations per the Comp Plan. It is within this section of the Code that there is no zoning district designed to implement the PGU FLU. As a result, the Applicant proposes these text amendments to add the new CI District designed to implement the PGU FLU.

**EXHIBIT A**

Proposed Code Text Amendment

## ZONING TEXT AMENDMENT TO ADD THE CULTURAL INSTITUTION DISTRICT

New Division 13 *(will require a re-numbering of subsequent Divisions)*

Sections 134-1317 – 134-1350 *(is currently reserved)*

### DIVISION 13. CI CULTURAL INSTITUTION DISTRICT

#### **Sec. 134-1317. Purpose**

The purpose of the CI Cultural Institution district is to provide for uses such as museums, cultural institutions, and art institutions, at a scale and intensity intended to primarily serve the needs of Town persons.

#### **Sec. 134-1318. Permitted uses.**

The permitted uses in the CI Cultural Institution district are as follows:

- (1) Museums, art galleries, performing arts centers, and cultural and art institutions
- (2) Libraries
- (3) Gardens (botanical and sculpture)
- (4) Nonprofit cultural centers
- (5) Offices and executive offices that support a permitted, accessory, or special exception use in the district
- (6) Public parks
- (7) Storage facilities that support a permitted, accessory, or special exception use in the district
- (8) Limited residential dwelling unit(s) above the first floor that support a permitted, accessory, or special exception use in the district
- (9) Supplemental off-site parking related to a permitted, accessory, or special exception use in the district. See section 134-2177 for additional conditions and criteria
- (10) On-site shared parking. See section 134-2182 for additional conditions and criteria.

#### **Sec. 134-1319. Accessory Uses.**

The accessory uses in the CI Cultural Institution district are as follows:

- (1) Off-street parking and loading
- (2) Signs, including wayfinding signs.
- (3) Accessory uses customarily incident to the permitted or approved special exception uses, such as, but not limited to, cooking facilities, lecture halls, and classrooms.

#### **Sec. 134-1320. Special exception uses.**

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the CI Cultural Institution district are as follows:

- (1) Outdoor promotional events. See section 134-2115 for additional conditions and criteria
- (2) Restaurants and cafes, including outdoor seating, that are incidental to or that support a permitted, accessory, or special exception use in the district, excluding formula restaurants and bars/lounges
- (3) Private parks
- (4) Uses not specifically enumerated under permitted uses in section 134-1318(a) but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.

#### **Sec. 134-1321. Reserved.**

## **Sec. 134-1322. Reserved**

### **Sec. 134-1323. Lot, yard and area requirements—Generally.**

In the CI Cultural Institution district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 22,500 square feet.
- (2) *Lot width.* The minimum lot width is 150 feet.
- (3) *Lot depth.* The minimum lot depth is 150 feet.
- (4) *Density.* Limited residential dwelling unit(s) not to exceed three dwelling units per gross acre. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*
  - a. For one-story buildings, the minimum front yard setback is zero feet.
  - b. For two-story buildings, the minimum front yard setback is zero feet.
  - c. For three-story buildings, the minimum front yard setback is zero feet.
  - d. When a front lot line of a lot in the CI Cultural Institution district is located on any street intersection or where two or more intersecting street lines outline the lot, a zero-foot setback is allowed along all street frontages.
  - e. When a front lot line of a lot in the CI Cultural Institution district adjoins property zoned any R district, a ten-foot front yard setback is required on that side.
- (6) *Side yard.*
  - a. There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.
  - b. When the side yard of a CI Cultural Institution district property adjoins property zoned in any R district, a ten-foot side yard is required on that side.
  - c. For buildings in excess of 25 feet in height, increase all minimum side yard requirements one foot for each two feet of building height, or portion thereof, exceeding 25 feet. Side yards shall be as calculated or five feet, whichever is greater.
- (7) *Rear yard.*
  - a. For one-story buildings, the minimum rear yard setback is ten feet.
  - b. For two-story buildings, the minimum rear yard setback is ten feet.
  - c. For buildings in excess of 25 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 25 feet. Rear yards shall be as calculated or ten feet, whichever is greater.
- (8) *Height and overall height.*
  - a. For one-story buildings, the maximum building height is 30 feet.
  - b. For two-story buildings, the maximum building height is 40 feet.
  - c. For three-story buildings, the maximum building height is 50 feet.
  - d. In the CI Cultural Institution district, the maximum building height allowed is three stories, with provision for a special exception for four stories with a maximum building height of 60 feet. All other lot, yard, and area regulations for a three-story building in the district shall apply to a four-story building. See special exception provisions in sections 134-226 through 134-233 (special exception use), and article III of this chapter (site plan review).
  - e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet

walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 70 percent.
- b. For two-story buildings, the maximum lot coverage is 70 percent.
- c. For three-story buildings, the maximum lot coverage is 70 percent.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 300 feet.
- b. For two-story buildings, the maximum building length is 300 feet.
- c. For three-story buildings, the maximum building length is 300 feet.
- d. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 20 percent.
- c. For three-story buildings, the minimum landscaped open space is 25 percent.
- d. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the CI Cultural Institution district. If a zero front yard setback is provided, then there shall be no required front yard landscaped open space.

(12) *Floor area.*

- a. For one-story buildings, the maximum leasable floor area of buildings is 50,000 square feet.
- b. For two-story buildings, the maximum gross leasable area of buildings is 50,000 square feet.
- c. For three-story buildings, the maximum gross leasable area of buildings is 50,000 square feet.
- d. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

**Sec. 134-1324. Reserved.**

**Sec. 134-1325. Reserved.**

**Sec. 134-1326. Supplementary district regulations.**

In the CI Cultural Institution district, no person shall use any portion of any adjacent public right-of-way within 150 feet of the cultural institution, for any commercial purposes, such as, but not limited to, film-making or movie producing, photography, or tours, without the prior written approval of the cultural institution, and from the town, if required.

**Sec. 134-1327. Hours of construction limited to special events.**

The requirements of this section shall supersede the requirements contained in section 42-199 for hours of construction work. The delivery, assembly, disassembly, and removal of any temporary structures such as tents or similar equipment related to a special event, is permitted on any weekday or weekend, including legal holidays, provided that all such work be performed only between 9:00 a.m. and 6:00 p.m.

**Sec. 134-1328. Signs.**

- 1) In the CI Cultural Institution district, any sign located at a cultural institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued except as otherwise provided in article IV.
- 2) The Town recognizes that different types of cultural institutions require different types of signs, sizes, and styles of signage. The Landmarks Preservation Commission shall approve a Master Sign Plan that specifies all signage by type, size, quantity, and placement throughout the cultural institution property. Any change to an approved Master Sign Plan or changes to individual signs visible from a public street shall be approved by the Landmarks Preservation Commission.

The Master Sign Plan may include different types of signs, sizes, and styles. The design standards below may be considered, but shall not limit the design and placement of such signage:

- (1) Campus Identification Monument Signage
  - a. One monument sign is allowed on the property. The monument sign shall display the name of the cultural institution with a cap height of six inches.
  - b. Monument signs are permitted within the front yard setbacks provided that it does not conflict with the sight triangle requirements of section 134-1637.
  - c. Maximum height of the monument sign shall be four feet above the grade.
- (2) Campus Identification Portal/Gateway-Mounted Signage
  - a. One portal/gateway-mounted sign is allowed at main entrances such as driveways, intersecting roads, or other arrival points, identifying the name of the cultural institution with a cap height of three inches.
- (3) Building-mounted Building or Venue Identification Signage
  - a. One building or venue sign is allowed at each publicly accessible entrance to a building with a cap height of three and a half inches.
- (4) Wayfinding Signage
  - a. Free-standing or wall mounted wayfinding signs identifying campus circulation can be free-standing with a cap height of one and a half inches. of 60 inches tall above grade, maximum of 24 inches wide
  - b. Maximum height of wayfinding signs shall be five feet above the grade.

Additional sign regulations which may be applicable in the CI Cultural Institution district are contained in Division 3 of article XI of this chapter.

**Sec. 134-1329. Reserved.**

**Sec. 134-1330. Reserved.**

**EXHIBIT B**

Proposed Comp Plan Text Amendment

redline (strikethrough and underline format)

## OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

## POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories.~~

~~b. Maximum lot coverage shall be 40%.~~

~~b. e.~~ In limited circumstances ~~(Commercial-Worth-Avenue (C-WA) zoning district),~~ the maximum building height ~~may~~shall be three stories (with Town Council approval).