

ORDINANCE NO. 029-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 54, HISTORICAL PRESERVATION, AT ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 1, GENERALLY, SECTION 54-71, REQUIRED, BY ADDING THAT THE PROJECT DESIGNATION MATRIX WILL DIRECT THE TYPE OF REVIEW; AMENDING DIVISION 2, PROCEDURES AND EFFECT, SECTION 54-93, UNIFORM DEVELOPMENT REVIEW PROCEDURES, BY ADDING THAT THE PROJECT DESIGNATION MATRIX WILL DIRECT THE TYPE OF REVIEW , BY ADDING HISTORICALLY SIGNIFICANT BUILDINGS TO THE LIST OF POSSIBLE DEVELOPMENT PROJECTS, AND AMENDING THE NOTICE PROVISIONS BY ADDING A 15-DAY NOTICE REQUIREMENT FOR LANDMARKED AND HISTORICALLY SIGNIFICANT BUILDING DESIGNATED SINGLE-FAMILY HOME PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 54, Historical Preservation, of the Town Code of Ordinances, is hereby amended at Article III, Certificate of Appropriateness, Division 1, Generally, Section 54-71, Required, by adding that the Project Designation Matrix will direct the type of review, with changes to the code text as follows:

*“ARTICLE III. - CERTIFICATE OF APPROPRIATENESS
DIVISION 1. - GENERALLY*

Sec. 54-71. - Required.

(a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.

(b) *The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.*

(c) *Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.*

(d) *The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.*

(e) *In addition to the criteria outlined in division 3 of this article, requests for exterior changes will be reviewed in accordance with the procedures set forth in the Project Designation Matrix, as adopted by the town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the landmark preservation commission.*

~~(e)~~ (f) *For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.*

~~(f)~~ (g) *An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. No exterior change project with an estimated expenditure exceeding \$2,000.00 as determined by the building official shall fall within the definition of this minor project category.*

~~(g)~~ (h) *Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission."*

Section 2. Chapter 54, Historical Preservation, of the Town Code of Ordinances, is hereby amended at Article III, Certificates of Appropriateness, Division 2, Procedures and Effect, Section 54-93, Uniform Development Review Procedures, by adding that the Project Designation Matrix will direct the type of review, by adding Historically Significant Buildings to the list of possible development projects, and amending the notice provisions by adding a 15-day notice requirement for landmarked and historically significant building designated single-family home projects, with changes to the code text as follows:

"DIVISION 2. - PROCEDURES AND EFFECT

Sec. 54-93. - Uniform development review procedures.

(1) *Application.* All applications for development review, being either a certificate of appropriateness for a landmarked building or structure, or a review of a historically

significant building, shall be filed with the director of planning, zoning and 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 and 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 Project Designation Matrix, adopted by the town council, and amended from time to time.**

(2) *Determination of sufficiency.* The director of planning, zoning and 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 and 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 and 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 architectural review commission ~~major~~ projects, landmarks preservation commission certificates of appropriateness, **historically significant buildings**, 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 for multi-family building and commercial projects, and at least 15 days for landmarked and historically significant building designated single-family homes**, 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 **for multi-family building and commercial projects, and at least 15 days for landmarked and historically significant building designated single-family homes**, 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 for multi-family buildings and commercial projects, and at least 15 for landmarked and historically significant building designated single-family homes, the town will post a copy of the hearing notice within a conspicuous place in Town Hall and physically post the subject properties for multi-family buildings and commercial projects.

Section 3. 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 4. 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 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. 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 on first reading this ____ day of _____, 2024, and for second and final reading on this ____ day of _____, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member