

ORDINANCE NO. 028-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, AT ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 2, ARCHITECTURAL COMMISSION, SECTION 18-175, ISSUANCE OF PERMITS, CHANGING THE NAME OF THE ARCOM PROJECT DESIGNATION MANUAL TO THE PROJECT DESIGNATION MATRIX; AMENDING ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 3, PROCEDURE AND REQUIREMENTS, SECTION 18-202, UNIFORM DEVELOPMENT REVIEW PROCEDURE, BY CHANGING THE NAME OF THE ARCOM PROJECT DESIGNATION MANUAL TO THE PROJECT DESIGNATION MATRIX, 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 ARCOM MINOR SHORT 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 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended at Article III, Architectural Review, Division 2, Architectural Commission, Section 18-175, Issuance of Permits, by changing the name of the “Arcom Project Designation Manual” to the “Project Designation Matrix”, with changes to the code text as follows:

“Sec. 18-175. - Issuance of permits.

(a) Approval of request. Unless requests for demolition of structures, other than single-family residential (request shall be reviewed considering proposed date to demolish, construct, and future use of new construction), building and landscaping plans, elevations and proposed signs for buildings or structures, or alterations thereto, including reroofing that involves a significant change in materials or appearance, have been approved by the architectural commission, or by the town council on appeal, no permit shall be issued for any such demolition of structures, other than single-family residential, building, structure, sign, or other development of property, or appurtenances or alterations thereto. In addition to the criteria outlined in sections 18-113 and 18-205, such requests will be reviewed in accordance with the procedures set forth in the ARCOM Project Designation Matrix Manual, 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 architectural commission.

(b) Prior to approval of a building permit for construction for all primary structures other than single family structures in the town, the owner/applicant shall provide financial proof of ability to complete the construction. In addition, the owner/applicant shall provide to the town

a financial guarantee in writing executed by all parties in interest to the property, including mortgagees, if any, in an amount to be adopted by resolution of the town council and amended by adoption of a resolution by the town council representing a percentage of the estimated cost of demolition of the construction when complete as verified by the town's building official, as well as the cost of returning the property to grade, and to be sodded, landscaped and irrigated. The financial guarantee shall provide that in the event the construction is not completed within 12 months of the maximum time permitted for construction as set forth in section 18-237 of this Code, the town may call in the financial guarantee which shall be secured in the form of a bond, cash deposit or clean, irrevocable letter of credit, and cause the demolition of the structure permitted herein, including bringing the property back to grade, sodded, irrigated and landscaped as required. The financial guarantee shall be recorded in the public records of Palm Beach County, Florida, so as to provide notice of said guarantee to all who may have or obtain an interest in the property. This subsection, requiring a financial guarantee, shall apply only to new construction on vacant lots and shall not be required for restoration or renovation of existing structures or structures accessory to an existing primary structure.

(c) Exceptions.

*(1) When in the opinion of the planning, zoning and building department director or his or her designee, the improvements contemplated in an application for a construction permit are minimal in nature, and are not included in the listing of projects subject to architectural review contained within the **ARCOM** Project Designation **Matrix Manual**, and such improvements do not defeat the purposes and objectives of this article, he or she may grant the permit without requiring architectural review, notwithstanding any other provisions of this section or this article. The decision of the planning, zoning and building department director or his/her designee shall be subject to appeal made to the town council in accordance with the provisions of section 18-177.*

(2) Individual structures and/or properties that have been designated or are under consideration or in an historic district are subject to review by the landmark preservation commission and shall not be subject to review by the architectural commission.”

Section 2. Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended at Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-202, Uniform Development Review Procedure, by changing the name of the “Arcom Project Designation Manual” to the “Project Designation Matrix”, 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 “Arcom Minor Short” projects, with changes to the code text as follows:

“Sec. 18-202. - Uniform development review procedure.

(a) Application. All applications for development review by ARCOM 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 ARCOM Project Designation Matrix Manual, adopted by the town council, and amended from time to time.

(b) *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.

(c) *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.

(d) *Notice of public hearings.* Public hearings for all development review projects, which includes the ARCOM 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:

(1) *Advertisement.* At least 30 days prior to the public hearing date, or at least 15 days for ARCOM Minor Short Projects, as defined in the Project Designation Matrix, 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.

(2) *Mail notice.* At least 30 days prior to the public hearing date, or at least 15 days for ARCOM Minor Short Projects, 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.

(3) *Posting.* At least 30 days prior to the public hearing, or at least 15 days for ARCOM Minor Short Projects, 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 and commercial projects.

~~(4) ARCOM minor projects with notice shall meet the advertisement and mail notice provisions of (a) and (b) above, except that the mail notice is only required to be provided to owners of property adjacent to and across the street from the subject property.~~

~~(5) — ARCOM minor projects without notice are not required to meet the advertisement and mail notice provisions of (a) and (b) above, and a competent and complete application may be submitted in accordance with the scheduled "Final Submittal" date, shown on the schedule of public meetings and deadlines, or a date otherwise determined by the director of planning, zoning and building. "~~

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