ORDINANCE NO. 6-2013

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-476 By Creating Purpose Language For An Optional PUD-5, Historic Preservation Mixed Use Development, With A Contributing Building Report And PUD-5 Design Guidelines Adopted By Reference For The Five Palm Beach Acres In the C-TS Zoning District Between Royal Poinciana Way And Sunset Avenue And Bradley Place And North County Road And By Prohibiting The Use Of The PUD-5 Regulations For Five Years If A Contributing Building Is Voluntarily Demolished; Section 134-477 By Creating A Review Process For The PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And 134-534 By Adding Submittal Requirements For A PUD-5 By Creating A New Approval Process For PUDs And Amendments To PUDs By Eliminating The Tentative And Final Approval Process And Replacing With A Streamlined Approval Process And By Creating A New Completion Deadline for PUDs; By Eliminating Subdivision III, Sections 134-561 And 134-562 Related To The Tentative And Final PUD Approval Process; By Renumbering 134-563 To 134-561 Adding PUD Amendments And Eliminating Property Owner Consent To Amend PUDs; By Renumbering 134-564 To 134-562, Adding PUD Amendment Language, Eliminating The Existing Time Frame Requirement For Commencement And Providing For New Commencement Language In The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special Exception And Site Plan Review; Section 134-652 By Adding The PUD-5 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision Which Prohibits A Variance From The Maximum Lot Size; Section 134-654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre Allowed In the Underlying C-TS Zoning District; Section 134-656 By Providing Permitted And Special Exception Uses In The PUD-5 And Creating Separation Requirements Between Residential And Commercial Uses; Section 134-657 By Creating A Minimum Public Open Space Requirement In The PUD-5 With A Provision Prohibiting A Variance From that Requirement; Section 134-687 By Providing Requirements That A PUD-5 Preserve The Main Street Character, Size And Bulk Which Currently Exists In The Five Palm Beach Acres; Section 134-688 By Providing Qualifying Language For The PUD-5 And Further Incorporating By Reference The Contributing Building Report And PUD-5 Design Guidelines; Section 134-689 By Eliminating The Requirement For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-691 By Providing A PUD-5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent; By Creating Setbacks Based On PUD

Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

WHEREAS, the Town has determined that the five Palm Beach Acres located between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road is an important gateway into the Town;

WHEREAS, the Town believes that the PUD-5 would be a tool to encourage preservation of the existing character of that area during redevelopment;

WHEREAS, after public hearing pursuant to notice required by law, the Local Planning Agency considered all testimony and recommended that the Town Council adopt the subject Ordinance; and,

Whereas, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 134, Zoning, of the Code of Ordinances, be amended as hereinafter set forth.

Section 1. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-476, Purpose, to read as follows:

Sec. 134-476. Purpose.

(a) The purpose of planned unit development regulations is to:

(1) Encourage flexibility in the design and development of land in order to promote its most appropriate use;

(2) Facilitate the adequate and economical provision of streets, utilities and public spaces; and

(3) Preserve the natural and scenic qualities of open area and preservation;
All in accordance with the terms and provisions as set forth herein.

(b) The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and morals both in the use and occupancy of buildings and facilities in planned groups.

(c) In addition to subsections (a) and (b) of this section, PUD-4 historical preservation-residential development is intended to preserve structures and premises of significant historical or architectural value to the town by allowing for low-density residential development at a density calculated on the area of the entire property, excluding the area of property required by the town to be assigned to the historical structure. Structures and/or premises listed in the national record or in any historical report recognized by the town council may be considered significant for the purposes of this article. In addition, the town council may declare any other structure and/or premises to be of historical or architectural significance.

(d) In addition to subsection (a), (b) and (c) of this section, PUD-5 historical preservation mixed use development or redevelopment is intended to (i) incentivize property owners in this area with greater density and fewer parking requirements for commercial and retail uses than C-TS zoning in return for preservation of buildings, structures, vias and/or facades for buildings that contribute to the historical size, scale, feel and character of Royal Poinciana Way, as a major gateway into the town and our historic "Main Street"; and (ii) further incentivize new development or redevelopment of noncontributing buildings in accordance with the PUD-5 Design Guidelines and Contributing Buildings Report, which are adopted by reference and consistent with the existing character, architecture, scale, massing and placement of those buildings that have been designated as Contributing. "Contributing" means those buildings, vias and structures identified in various categories in the Contributing Building Report, adopted by reference, which have been determined to be representative of the Town's historic Main Street in terms of the architecture, character, size, height and bulk in the five Palm Beach acres between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road. The PUD-5 development is a commercial mixed-use district wherein the residential component is secondary or accessory to the primary commercial uses for retail, office and entertainment. Maintaining the predominantly commercial character of the street and minimizing potential conflicts between commercial and residential uses shall be a consideration used in determining scale, height, placement, bulk and cubic footage of new or redeveloped residential units. Design of structures or buildings in a PUD-5 application shall be consistent with the character of Contributing buildings in this area, the PUD-5 requirements and the PUD-5 Design Guidelines or said application shall be denied. The Bradley House Hotel, a landmark and Contributing building in this area, shall only be considered as an appropriate example of architecture and design and not used in determining bulk and height in future development or redevelopment.

(e) Specific design standards that are required to be met when applying for the PUD-5 are in the PUD-5 Design Guidelines, the Contributing Building Report, which are both adopted by reference, and the provisions in Sec. 54-122 through Sec. 54-125(b), Sec. 134-226 through Sec. 134-229, and Sec. 134-326 through Sec 134-330 of the Code of Ordinances. These standards and regulations ensure that development/redevelopment using the PUD-5 regulations is consistent with the existing character, architecture, scale and massing of those buildings that have been designated as Contributing in this area. Properties where Contributing buildings are voluntarily demolished shall not be eligible to apply for the PUD-5 regulations for a period of five years subsequent to demolition.

Section 2. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-477, District regulations, to read as follows:

Sec. 134-477. District regulations.

With the exception of the PUD-5, the requirements and regulations for a PUD district are contained in division 14 of article VI of this chapter. The use, lot, yard and bulk requirements for the PUD-5 are contained in Sec. 134-651 through 134-692.

Sec. 134-478. Town council approval for permitted use and special exception use; review by planning and zoning commission; hearing; site plan review of application.

(a) A planned unit development, when a permitted use, shall be subject to the approval of the town council after a review and report by the planning and zoning commission and after a public hearing is held by the town council in accordance with law.

(b) A planned unit development, when a special exception use, shall be subject to the approval of the town council after a review and report by the planning and zoning commission and after a public hearing is held by the town council in accordance with law. The review by the planning and zoning commission shall be to make findings pursuant to sections 134-227 through 134-233 and other applicable sections of this chapter and to make recommendations thereon.

(c) Every application for approval of a planned unit development shall require concurrent site plan review in accordance with article III of this chapter.

(d) Every building and/or structure in the PUD-5 shall require Landmark Preservation Commission approval. In addition, if variances are being requested from the zoning code, the Director of the Planning, Zoning and Building Department may require the applicant to obtain a recommendation from Landmark Preservation Commission for the benefit of the Planning and Zoning Commission and Town Council. Variances as to lot coverage, height, overall height and public open space are prohibited.

Section 3. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Subdivision II and Section 134-531, Application, to read as follows:

Subdivision II. Approval Process.

Sec. 134-531. Application.

In order to provide an expeditious method for processing a plan for a planned unit development, under the terms of this chapter, it is declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development or an amendment thereto, and the continuing administration thereof, shall be consistent with the following:

(1) An application for approval of the plan for a planned unit development or an amendment thereto shall be filed by or on behalf of the landowner with the Planning, Zoning and Building Director or designee.

(2) The following information shall be submitted with the application:

a. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.

b. The density of land use to be allocated to parts of the site to be developed.

c. The location and size of any common open space and the form or organization proposed to own and maintain any common open space.

d. The use and the approximate height, bulk and location of buildings and other structures.

e. The feasibility of proposals for the disposition of sanitary waste and storm water.

f. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.

g. The provisions for parking of vehicles and the location and width of proposed streets and public ways.

h. For plans that call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.

i. For PUD-4 and PUD-5, a complete description of the historical and/or architecturally significant structures and/or premises and provisions for their preservation. The portion of the property to be devoted to preservation shall be delineated.

j. For PUD-5, a complete description of the Contributing buildings and/or premises and provisions for their preservation. If applicable, the portion of the property to be devoted to preservation shall be delineated.

k. For PUD-5, a site elevation plan shall be submitted of the proposed development or redevelopment, including a streetscape of the proposed development or redevelopment and surrounding buildings together with an appropriately scaled model.

l. For PUD-5 development or redevelopment that has a condominium component, the applicant shall submit commercial and/or residential condominium documents for review.

m. PUD development shall meet all of the requirements for special exception in Secs. 134-226 through 134-231 and site plan review in Secs. 134-326 through 134-330.

(3) The application for approval of a planned unit development or an amendment thereto shall include a written statement by the landowner or any other entity having a cognizable interest in the land, setting forth the reasons why a planned unit development or an amendment thereto would be in the public interest and would be consistent with the town's statement of purposes on planned unit development.
(Ord. No. 2-74, § 7.31, 3-26-74; Ord. No. 5-78, § 13, 3-31-78)

Section 4. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-531, Public hearings, to read as follows:

Sec. 134-532. Public hearings.

(a) Upon submission of a complete planned unit development or amendment application, the planning and zoning commission, and the landmark preservation commission in those cases involving the PUD-5 shall hear said application within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. A public hearing on the planned unit development or amendment application shall then be held by the town council after public notice is given in accordance with law.

(b) The planning and zoning commission and the landmark preservation commission in those cases involving the PUD-5 shall make recommendations on the proposed planned unit development, or amendment thereto, not less than 15 days before the public hearing by the Town Council, and the report shall be available for public inspection during reasonable hours.
(Ord. No. 2-74, § 7.32, 3-26-74; Ord. No. 2-83, § 6, 2-23-83; Ord. No. 1-04, §§ 38, 43, 3-9-04; Ord. No. 5-09, § 26, 4-15-09)

Section 5. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-531, Grant or denial, to read as follows:

Sec. 134-533. Grant or denial.

(a) The town council shall, within 60 days following the conclusion of the public hearing at which a planned unit development or amendment thereto has been approved by written resolution either (i) grant approval of the plan as submitted, or (ii) grant approval subject to specified conditions not included in the plan as submitted.

(b) If a planned unit development or an amendment thereto is denied, the determination as to denial shall be rendered in writing within thirty (30) days of the denial.

(c) If approval is granted, the town council shall, as part of its resolution, specify the conditions of approval, drawings, specifications and form of performance bond, if any, that shall be required.

(d) If a plan is granted approval, with or without conditions, the town council shall set forth in the written resolution the time within which the approved plan is required to be commenced or, for an approved plan that provides for development over a period of years, the periods of time within which phases of the approved plan have to be commenced. For the purposes of this Section, commencement shall be the issuance of a building permit. All authorized work under the building permit for said approved plan must be completed within the construction schedule contained in section 105.4.1.6 of the Florida Building Code as amended in section 18-242 of this Code or some alternative period approved by Council or said approval shall expire.

(Ord. No. 2-74, § 7.33, 3-26-74; Ord. No. 5-78, § 13, 3-31-78)

Section 6. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Subdivision III, Final Approval, Section 134-534, Status of plan after tentative approval, to read as follows:

Sec. 134-534. Status of plan after approval.

(a) Within five working days after the adoption of the written resolution provided for in section 134-533, it shall be certified by the town clerk and shall be filed in the clerk's office, and a certified copy shall be mailed to the landowner. Where approval has been granted, the approval shall be noted on the zoning map maintained in the office of the town clerk.

(b) Approval of a plan shall not qualify a plat of the planned unit development for recording or authorize development or issuance of any building permits. A plan which has been approved by the Town Council may only be modified by PUD approval as outlined in the process identified in this Article.

Secs. 134-535--134-560. Reserved.

Section 7. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Subdivision III, Final Approval, Section 134-561, Application, by eliminating said section.

Section 8. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-562, Refusal to grant for variations in tentative approved plan, by eliminating said section.

Section 9. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-563, Certification; filing of record plat, by renumbering 134-563 to 134-561and to read as follows:

Sec. 134-561. Certification; filing of record plat; modification before completion of development.

A plan for a planned unit development or any part thereof, or an amendment thereto, that has been given approval by the town council shall be so certified without delay by the town clerk, and a record plat, if required, shall be filed on record forthwith in the office of the county clerk in accordance with F.S. ch. 177 before any development shall take place in accordance therewith. Upon the filing on record of the plan, all other ordinances and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto.

Section 10. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-564, Abandonment; termination, by renumbering from 134-564 to 134-562 and to read as follows:

Sec. 134-562. Abandonment; termination.

If a plan for a planned unit development or portion thereof, or an amendment thereto, is given approval and thereafter the landowner abandons the plan or a portion thereof that has been approved or if the landowner fails to commence the planned unit development within the timeframe identified in the planned unit development resolution, such approval shall terminate and be deemed null and void unless such time period is extended by the town upon written request of the landowner.

Secs. 134-563--134-590. Reserved.

Section 11. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-651, Establishment of special exception planned unit developments, to read as follows:

Sec. 134-651. Establishment of special exception planned unit developments.

The following special exception planned unit development districts are established and shall be subject to all applicable requirements of this article and of the district in which they are located. In addition, the following planned unit developments shall be required to meet all of the requirements as set forth for special exception in Secs. 134-226 through 134-229 and site plan review in Sec. 134-326 through Sec 134-330.PUD-1	Single-family development
PUD-2	Residential mix development
PUD-3	Mixed use development
PUD-4	Historical preservation residential development
PUD-5	Historical preservation mixed use development

Section 12. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-652, Districts where permitted, to read as follows:

Sec. 134-652. Districts where permitted.

Planned unit developments as established by this article may be permitted as special exceptions only in specifically designated districts as follows:

(1) *PUD-1, single-family development.* Permitted only in portions of R-B districts which are in close proximity to intensive developments in an R-C, R-D(1) or R-D(2) district.

(2) *PUD-2, residential mix development.* Permitted only in R-C, R-D(1) and R-D(2) districts.

(3) *PUD-3, mixed use development.* Permitted only in R-C, R-D(1) and R-D(2) districts.

(4) *PUD-4, historical preservation residential development.* Permitted only in R-AA, R-A and R-B districts.

(5) PUD-5, historical preservation mixed use development. Permitted only in that portion of the C-TS district in the five Palm Beach acres bounded between Royal Poinciana Way and Sunset Avenue, and Bradley Place and North County Road.

Section 13. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-653, Minimum area requirements, to read as follows:

Sec. 134-653. Minimum area requirements.

Minimum area requirements for special exception planned unit developments are as follows:

(1) *PUD-1, single-family development.* One contiguous acre undivided by any public right-of-way or easement.

(2) *PUD-2, residential mix development.* Ten contiguous acres undivided by any public right-of-way or easement.

(3) *PUD-3, mixed use district.* Twenty contiguous acres undivided by any public right-of-way or easement.

(4) *PUD-4, historical preservation residential development.* One or more contiguous acres undivided by any public right-of-way or easement.

(5) *PUD-5, historical preservation mixed use development.* No minimum size requirement, however the maximum lot size shall be 1.5 Palm Beach acres. No variance shall be allowed which increases the maximum size of a PUD-5 lot.

Section 14. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-654, Residential density, to read as follows:

Sec. 134-654. Residential density.

Residential densities in special exception planned unit developments permitted under this article shall be as follows:

PUD District	Use District	Maximum Density Permitted under PUD* (units per acre)
PUD-1	R-B	4
PUD-2	R-C	6**
	R-D(1)	13**
PUD-3	R-C	6**
	R-D(1)	13**
	R-D(2)	13**
PUD-4	R-AA	2/3**
	R-A	2**

	R-B	4**
PUD-5	C-TS***	10 with the ability to reach 13 if all required off-street parking is in a sub-basement or there is a 50 percent reduction in existing density.

* See section 134-656 for conversion of nonresidential uses to equivalent dwelling unit amounts for the purpose of calculating gross density.
** See section 134-655 for special provisions covering densities in those portions of the planned unit development site adjoining lower density residential districts.
***Only that part of the C-TS zoning district bounded between Bradley Place and North County Road and Royal Poinciana Way and Sunset Avenue.

Section 15. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-656, Permitted land use, to read as follows:

Sec. 134-656. Permitted land use.

The uses permitted in planned unit developments shall be as follows:

(1) *PUD-1.*

a. Any use permitted in the R-AA large estate residential district, R-A estate residential district or R-B low density residential district; provided, however, that such uses are grouped in cluster development in accordance with division 5 of this article.

b. Townhouses, subject to applicable requirements in subdivision II of division 10 of article VIII of this chapter.

(2) *PUD-2.*

a. Any use permitted in the R-C medium density residential district.

b. Newsstands, dining rooms and personal service uses for the convenience of residents shall be permitted in such district; provided, however, that no exterior or external advertising of such facilities shall be permitted nor shall the gross floor area devoted to such uses exceed ten percent of the gross ground floor area of buildings included within the planned unit development.

(3) *PUD-3.*

a. Any use permitted in the R-D(1) moderate density residential district.

b. In PUD-3 developments containing 100 or more residential dwelling units, commercial uses permitted in the C-TS, C-WA, C-OPI or C-PC commercial district may be permitted; provided, however, that any commercial development in the planned unit development shall front on a major thoroughfare and further provided that such commercial development, including its required parking area, shall not occupy more than 20 percent of the gross floor area of the planned unit development. For the purpose of calculating gross density, as set forth in section 134-620, the following land use measurements shall be equivalent to a dwelling unit as defined:

Land Use Type	Unit of Measurement	Equivalence to One Dwelling Unit of Gross Density
Hotels, motels or similar places of transient occupation	Number of bedrooms	Two bedrooms
Principal commercial uses	Total floor area	750 square feet
Accessory commercial uses	Total floor area	1,500 square feet
All other nonresidential floor spaces	Total floor area	1,000 square feet

(4) *PUD-4.*

Any use permitted in the R-AA large estate residential or R-A estate residential district, provided the uses are developed compatibly with an historical or architecturally significant structure or premises.

(5) *PUD-5.*

Any permitted or special exception uses within the C-TS district with the exception of non-profit cultural centers, professional and studio type schools, public and private parking lots, storage garages, parking garages which are not part of a principal use, auto rental lots, private social, swimming, golf, tennis and yacht clubs, public or private academic schools, drive-in business service facilities, churches, synagogues and other houses of worship, roof deck parking and museums. Residential uses are allowed by special exception on the first floor on those platted lots that front on the south side of Sunset Avenue within the PUD-5 area which are identified as Lots 31 through 65, Floral Park.

Residential access to dwelling units shall be physically separated from commercial uses in a mixed use building. In addition, in mixed commercial/residential buildings, the applicant shall use noise reduction construction techniques such as additional insulation and storm rated windows in both the commercial and residential units to reduce possible negative impacts between those types of uses.

Section 16. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-657, Open Space, to read as follows:

Sec. 134-657. Open space.

(1)*PUD-1 through PUD-4.* A minimum of 15 percent of a planned unit site area shall be developed as common open space. Parking areas and vehicle access facilities shall not be considered in calculating such common open space. In no event, however, shall the lot coverage of all structures located within a planned unit development site exceed 35 percent of the gross area included within such planned unit development site.

(2) *PUD-5.* There is a minimum 30 percent public open space requirement. Public open space is defined as landscape or hardscape areas, including vias, dedicated for use of the general public. Said public open space shall be open to the sky and not closed for public access at any time. Public open space shall not be used for off-street parking or loading, and the minimum landscape open space within the public open space shall be determined during the approval process of the PUD, special exception

and site plan review process by the Town Council. Variances shall not be permitted from the minimum 30 percent public open space requirement.

Section 17. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-687, General standards, to read as follows:

Sec. 134-687. General standards.

(a) The planned unit development shall be consistent with the regulations governing planned unit developments as set forth within division 3 of this article.

(b) The planned unit development plan shall be consistent with the Palm Beach Comprehensive Plan.

(c) The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas. For the PUD-5, this shall include the preservation of the Main Street appearance with separations and building breaks which are currently prevalent for the Contributing and noncontributing buildings in the PUD-5 area.

(d) The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

(e) The historical preservation mixed use planned unit development (PUD-5) shall be complimentary to the architecture, character, size, height and bulk of land uses and the historically contributing buildings which exist on the five Palm Beach acres bounded between Royal Poinciana Way and Sunset Avenue, and Bradley Place and North County Road. Bradley House Hotel, as a Contributing building, shall only be used as an example of architecture and design and not height and bulk when looking at the compatibility of development and redevelopment.

Section 18. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-688, Design standards, to read as follows:

Sec. 134-688. Design standards.

(a) In a planned unit development, all buildings in the layout and design shall be an integral part of the development and shall have convenient access to and from adjacent uses and blocks.

(b) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development. In addition, proposed buildings and/or structures utilizing the PUD-5 shall be complimentary to the architecture, character, size, height and bulk of the Historically and Architecturally Contributing buildings, as identified in the Contributing Buildings Report, and land uses within the five Palm Beach acres bounded between Royal Poinciana Way and Sunset Avenue, and Bradley Place and North County Road. Bradley House Hotel, as a Contributing building, shall only be used as an example of architecture and design and not height and bulk when looking at the compatibility of development and redevelopment.

(c) Treatment of the sides and rear of all buildings within the planned unit development group shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.

(d) The design of buildings and the parking facilities shall take advantage of the natural features, topography of the project site, where appropriate.

(e) All building walls shall be so oriented as to ensure adequate light and air exposures to the room within.

(f) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities. Wherever possible, loading and parking facilities shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

(g) All buildings shall be arranged so as to be accessible to emergency vehicles.

(h) All PUD-5 development or redevelopment shall (i) preserve and enhance the unique quality and "Main Street" character of the area which is captured in the Contributing Building Report and PUD-5 Design Guidelines, which are adopted by reference, so as to support its unique heritage; (ii) encourage small scale retail, entertainment and office establishments providing for the frequently recurring needs of the townspeople in a mixed-use environment with an accessory or secondary, small scale residential component; (iii) create a pedestrian friendly environment, which shall include, wherever possible, pedestrian access between Royal Poinciana Way and Sunset Avenue, through vias: and (iv) encourage interior courtyards and pedestrian friendly public open spaces. As such, all applications for PUD-5 development or redevelopment shall have a site elevation plan of the proposed development or redevelopment, including a streetscape of the proposed development and surrounding buildings together with an appropriately scaled model.

Section 19. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-689, Landscape design standards, to read as follows:

Sec. 134-689. Landscape design standards.

(a) In a planned unit development, landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

(b) Primary landscape treatment shall consist of shrubs, ground cover, and shade trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.

(c) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

(d) Wherever possible all streets bordering the project area shall be planted at appropriate intervals with trees.

Section 20. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-690, Circulation system design standards, to read as follows:

Sec. 134-690. Circulation system design standards.

(a) In a planned unit development, there shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

(b) Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.

(c) Buildings and vehicular circulation with open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

(d) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

(e) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained and indicative of their function.

(f) PUD-5 development or redevelopment shall not have curb cuts and vehicular access from Royal Poinciana Way, Bradley Place or North County Road. All curb cuts and vehicular off-street parking access shall be from Sunset Avenue.

Section 21. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-691, Parking and loading design standards, to read as follows:

Sec. 134-691. Parking and loading design standards.

(a) In a planned unit development, parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.

(b) Pedestrian connections between areas and buildings shall be via special pedestrian walkways and/or elevators.

(c) Parking facilities shall be designed with careful regard to orderly arrangement, landscaping, ease of access, and shall be developed as an integral part of an overall site design.

(d) Any above grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

(e) Parking and loading facilities shall be provided in accordance with divisions 2 and 3 of article IX of this chapter with the exception of the PUD-5 which shall be in accordance with the requirements in Sec. 134-69(f) and sub-section (f) of this section.

(f) PUD-5 development or redevelopment shall meet the parking and loading requirements in division 2 and 3 of Article IX of this chapter with the exception of the required off-street parking. The PUD-5 off-street parking requirements are as follows:

1. Residential and existing hotel uses shall be required to provide the required off-street parking as provided for in division 2 of Article IX except when said redevelopment results in at least 50 percent reduction from the density that previously existed. In such case, the applicant shall not be required to provide any additional off-street parking for the redevelopment other than what existed prior to the redevelopment.

2. Off-street parking for replacing commercial square footage and/or intensity of use that existed prior to redevelopment and for first floor building area to be utilized as retail space shall not be required. Any existing off-street parking shall be required to be recaptured, except as provided for in subsection 4. Any increase in the demand for off-street parking for additional commercial square footage and/or intensity of use, other than first floor retail use, based on Article IX, OFF-STREET PARKING AND LOADING in Chapter 134 of the Code shall be required, except as provided for in sub-sections 3 and 4 of this section.
3. PUD-5 development and redevelopment shall be exempt from the off-street loading requirements in Sec. 134-2211. However, the applicant shall demonstrate that there is adequate loading and unloading zones that are not on Royal Poinciana Way to service the proposed PUD-5.
4. In the PUD-5, properties fronting on Royal Poinciana Way should be encouraged to eliminate parking lots and curb cuts that front on the street and curb cuts which interfere with the flow of pedestrian traffic. Accordingly, any parking lots and associated curb cuts fronting on Royal Poinciana Way that are replaced by street fronting, one story retail space, and set aside 30% of the prior parking lot area as public open space, need not provide onsite parking for the retail space that replaces the parking area.

Section 22. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, creating Section 134-692, Lot, yard and bulk requirements, to read as follows:

Sec. 134-692. Lot, yard and bulk requirements.

(a) With the exception of the open space in Sec. 134-657 and density requirements in Sec. 134-654, the lot, yard and bulk requirements for the PUD-1, PUD-2, PUD-3 and PUD-4 are intended to meet the requirements in the district in which the PUD is proposed.

(b) The lot, yard and bulk requirements for PUD-5 applications are as follows. Variances shall not be permitted from the lot coverage, height, overall height and public open space requirements as set forth herein.

1. Maximum density: 10 dwelling units per Palm Beach acre with a maximum of 13 dwelling units per Palm Beach acre if one of the following are met (Sec. 134-654):

    a. All required off-street parking is in a sub-basement.

    b. The existing density is decreased by not less than 50%.

2. Maximum height:

    One-story portion: 15 feet

    Two-story portion: 25 feet

    Three-story portion: 35 feet - provided, however, that buildings on Royal Poinciana Way designated in the Contributing Building Report as Contributing, may not exceed two stories or 25 feet in height.

3. Maximum overall height: An additional 3 feet for a parapet on a flat roof building and an additional 8 feet for a pitched roof building.

4. Maximum lot coverage:

One story portion:	70 percent
Two story portion:	70 percent
Three story portion:	35 percent

5. Setbacks: All setbacks shall be determined through the PUD approval process.

6. Public Open Space: There is a minimum 30 percent public open space requirement. Public open space is defined as landscape or hardscape areas, including vias, dedicated for use of the general public. Said public open space shall be open to the sky and not closed from public access at any time. Public open space shall not be used for off-street parking or loading, and the minimum landscape open space within the public open space shall be determined during the approval process of the PUD, special exception and site plan review process by the Town Council.

Section 23. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, creating Section 134-693, Sunset Provision, to read as follows:

Sec. 134-693. Sunset Provision.

The PUD-5 Regulations within sec. 134-476 through sec. 134-693 and sec. 134-1109 shall sunset on September 11, 2018, unless the town council by a majority vote approves an extension of these regulations at a regularly scheduled town council meeting prior to their expiration.

Section 24. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1109, Special exception uses, to read as follows:

Sec. 134-1109. Special exception uses.

(a) The special exception uses require a site plan and review as provided in Article III of this chapter. The special exception uses in the C-TS town-serving commercial district are as follows:

(1) Planned Unit Development (PUD-5) for an area of the District bounded between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road.

Section 25. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, incorporating by reference the attached Palm Beach PUD-5 Design Guidelines and Contributing Building Report: The Historic Character Of Royal Poinciana Way, as provided for in that above amendments.

Section 26. 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 27. 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 28. Codification.
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 29. Effective Date.
This Ordinance shall become effective 32 days after the state land planning agency notifies the Town that the plan amendment package relating to Ordinance No. 5-2013 is complete or, in the event of a timely challenge to the amendments contained within Ordinance No. 5-2013, upon the state land planning agency or the Administration Commission having entered a final order determining the adopted amendments contained within Ordinance No. 5-2013 to be in compliance, all as provided in Florida Statute 163.3184.

PASSED AND ADOPTED in regular, adjourned session assembled on first reading on the ____ day of October, 2013, and second and final reading on this _____ day of November, 2013.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

_____
Richard M. Kleid, Town Council Member

_____
Michael J Pucillo, Town Council Member

ATTEST:

_____
Susan A. Owens, Town Clerk

Contributing Building Report: The Historic Character of Royal Poinciana Way
by Jane S. Day, Ph.D.

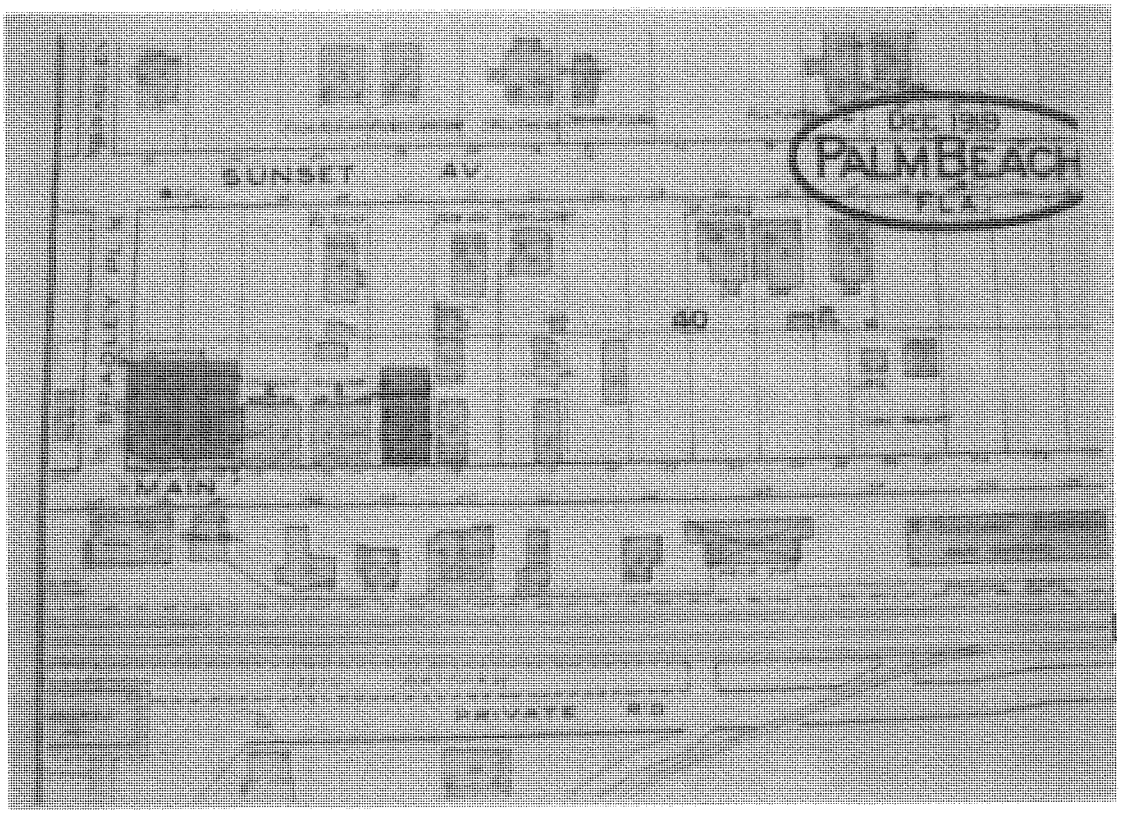
A. Historic Preservation, Character and Architecture: The purpose of adopting a PUD-5 is to create a vehicle that will result in those buildings that contribute to the historic quality of Royal Poinciana Way (RPW)being preserved, at least in part, in any future development. Those buildings that do not contribute should be developed in a manner consistent with the historic Main Street character of Royal Poinciana Way. These characteristics are understandably more narrow than what could be developed under existing standards through the normal ARCOM process.

In order to proceed with defining the Historic Character of Royal Poinciana Way and those buildings which contribute to that character, it is necessary to provide background information on the development of traditional main street commercial blocks in the United States, and review specific past preservation actions taken in the Town of Palm Beach on the five acre tract between RPW and Sunset Avenue, and between Bradley Place and County Road as defined in the PUD-5.

In the United States, the main street of a town was traditionally an area of centralization. It was a magnet for commerce usually anchored by transportation, whether a streetcar or in the case of Palm Beach, the Florida East Coast (FEC) railroad. The street often became the civic and commercial center of a town. Throughout the country, the most common types of main streets are defined as one-part commercial blocks, two-part commercial blocks, and stacked vertical blocks. Height is the most obvious variation in these topologies with the one-part commercial block being primarily one story in height, the two-part commercial block being two to four stories in height, and the stacked vertical block having more than four stories to accommodate taller buildings, though not to the scale of skyscrapers. Within these individual types of urban spaces, (which are defined more by height, mass and orientation to the street than by stylistic details) specific and varied architectural styles exist. Palm Beach's RPW is a two-part commercial block which was the most common type of layout for small and moderate sized communities throughout the country between 1915 and 1950. The street is mainly horizontal in orientation, and is composed of a variety of architectural styles, fenestration patterns, and multi-leveled roof lines. The street is densely developed and as in many main streets the compositional vocabulary is defined by the front facades of the buildings, and the lot sizes. Side walls are often secondary and few of the buildings were meant to stand alone. In Palm Beach, as in many other locations, what has contributed to Main Street's undoing is the automobile.

On a micro level, the Sanborn Fire Insurance Map of Palm Beach that was published in 1919 shows the area that is now called RPW and labels it " Main Street," an early indicator that this is how the street was referred to by citizens and visitors early in its history. When platted in 1912 as the Floral Park Subdivision, the block consisted predominately of rectangular lots that were long and narrow with only twenty-five feet frontage along the street. Some larger lots were on the corners. Consolidation of these narrow lots allowed for larger buildings but the scale of the street remained small. The 1919 Sanborn Map shows the area along Main Street as scattered with dwellings, stores, offices, and guest cottages. The block was always mixed use. Originally most of the buildings were wood frame structures. Many had front porches. The map also shows that in 1919 this street housed

the original Town Hall, the Post Office, the Jail and a small grocery store. Because the Flagler Railroad Bridge, which predates the other two bridges to Palm Beach ran immediately south of Main Street, this was the only place of embarkation (other than by boat) to the island during its early history. RPW was the center of arrival, departure, and most civic and commercial activity. It was also residential. A comparison of this 1919 Sanborn map with present conditions (2013) shows that some of the character of the street has been altered by removing all of the structures on the south side of RPW and replacing those structures and the original railroad tracks with an open landscaped median.



Sanborn Fire Insurance Map - Palm Beach, Florida, December, 1919 (Detail)

Because of the general historical importance of RPW as the original Main Street of the Town, on June 18, 2009 the Landmarks Preservation Commission (LPC) discussed the possibility of creating an historic district on the south side of what is now being considered as the PUD-5 block. Sunset Avenue was not considered. During that discussion, it was decided that because the majority of the buildings were not historic and many of those that were historic had been altered over time, a better strategy would be to try to landmark individual buildings that did meet the criteria of Chapter 54 of the Town of Palm Beach Code of Ordinances (Landmarks Preservation Ordinance) rather than create an historic district. One reason for this decision was that even though the Ordinance requires a property to meet only one criterion for designation, typically two or more have been fulfilled during successful designation hearings over the last twenty years. That being said, some of the buildings

included in the area defined by the PUD-5 do retain enough details of their historical and architectural character, and massing to meet the first criterion in the Landmark Ordinance: **Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.** Other buildings, of a higher architectural standard, also meet the third and fourth criterion. These are: **(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen** and **(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.** If any of the buildings on this block are to be considered for Landmark Designation, they should follow the regular procedure of the Landmarks Commission (LPC) and Chapter 54 of the Town of Palm Beach Code of Ordinances.

In an effort to provide property owners with guidance on how to proceed with preservation and redevelopment in the PUD-5, The Royal Poinciana Way Committee decided that Design Guidelines would be developed by Steven Mouzon, of Mouzon Design, Miami, Florida. Mr. Mouzon divided the structures and elements on the PUD-5 block into four categories for future reference so that property owners could incorporate both preservation and development strategies in any work on the block. Those categories are listed below. Addresses, Owners and Tax Folio numbers listed below are those found on the Property Appraiser of Palm Beach County web site in January 2013.

1) **Historically and Architecturally Contributing - These buildings are historically and architecturally important to the RPW block. They could qualify for local designation under more than one criterion in Chapter 54 of the Town of Palm Beach Code of Ordinances. The loss of these buildings would negatively affect the historic and architectural character of the block and shall therefore be preserved.**

E.R. Bradleys Saloon South, Inc. - 283 Royal Poinciana Way c.1919 (50-43-43-22-32-000-0010)

Neo-Classical Revival - c.1919 - Footprint pictured on the 1919 Sanborn Fire Insurance Map

- Rectangular concrete building with smooth stucco exterior
- Flat roof with classical balustrade at the roof line
- Main entrance has a chamfered storefront wrap as illustrated in *Palm Beach PUD-5*

Design Guidelines, section 2.4 Side Street Elevations

- Windows set triply and in pairs on second floor, storefronts on ground floor
- Original windows replaced with aluminum awning windows in 1950
- Quoins on the corners and between windows
- Dentil molding cornice
- Stucco storefront beam separating first and second floors as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.9 Storefront Composition
- The west facade has been altered and no longer has ground floor storefronts
- Outdoor seating as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.6 Sidewalk Seating

Palm Beach Book Store (Vesenaz Holding Corp.) - 211 Royal Poinciana Way c.1923 (50-43-43-22-32-000-0321)

Neo-Classical Revival: Originally Garden Theater, Unknown Architect, c.1923

- Rectangular wood frame building with smooth stucco exterior
- Front facing gable roof with composition shingle covering and chimney
- Central temple front block with side wings and symmetrical design
- Two story high Corinthian pilasters, corbel with cornice supports
- Central gable parapet with cast stone balustrade on either side
- Height varies from neighboring buildings as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.2 Height Variations
- Three arched windows on second floor

Nick and Johnnies (Vesenaz Holding Corp.) - 207 Royal Poinciana Way - William Manley King, 1927 (50-43-43-22-31-000-0652)

Mediterranean Revival: William Manly King c.1927

- Rectangular building with smooth stucco exterior
- Flat roof with a shed roof extension at the roof line- barrel tile
- Second shed roof above arched openings on south facade- barrel tile
- Decorative roof brackets and cypress outriggers support the second shed roof
- Colonnaded arcade across front facade with pointed arched windows above
- Arched windows have vertical divided lights
- Sliding doors as well as fixed entrance doors
- Classical pilasters with unique organic leaf design capitals between arches
- Wall extension west of arcade with small door & niche juxtaposes neighbor and meets the building to the west as recommended in *Palm Beach PUD-5 Design Guidelines,* section 2.7 Party Walls - see [cornice over eave]
- Outdoor seating as illustrated in *Palm Beach PUD-5 Design Guidelines,* section 2.6 Sidewalk Seating

Evelyn and Arthur (Vesenaz Holding Corp.) - 201 Royal Poinciana Way - John L. Volk,

1941(50-43-43-22-31-000-0652). Please note that the Historically and Architecturally Contributing Building by John L. Volk pictured above extends north along County Road and terminates at the corner of Sunset Avenue. Ownership of the parcel is the same. The Parcel Number for the northern section is different (50-43-43-22-31-000-0630).

Art Moderne: John L. Volk, 1941

- Rectangular building with smooth stucco exterior
- Flat roof, with a small ledge or coping at the roof line
- One or more corners are curved with rounded storefront wraps, to take advantage of the intersection and meet the street as recommended in *Palm Beach PUD-5 Design Guidelines,* section 2.4 Side Street Elevations
- Recessed store fronts with angled entries
- Fixed metal windows
- Fluted pilasters with Art Deco inspired capitals

New Bradley House, LTD -280 Sunset Avenue, 1924 - Town of Palm Beach Landmark (50-43-43-22-31-000-0301)

Mediterranean Revival: Martin Luther Hampton, 1924

- Irregular masonry building with stucco exterior
- Flat and Hip roofs with multi-level roof lines as illustrated in *Palm Beach PUD-5 Design Guidelines,* section 2.2 Height Variations
- U- shaped footprint around a street facing courtyard
- Open and closed miradors (tower elements)
- Elaborated chimney
- Scuppers
- A variety of fenestration styles with rounded and square topped windows
- Cantilevered balconies

2) **Architecturally Contributing - These buildings are architecturally important to the block with character defining mass and scale but undetermined historical importance. They could qualify for local designation under at least one criterion of the LPC Ordinance but more study is needed to make that determination. The loss of these buildings would negatively affect the architectural character of the block and shall therefore be preserved.**

Island Animal Hospital, Inc. - 262 Sunset Avenue c.1920 (50-43-43-22-31-000-0380)

American Foursquare: Unknown Architect c.1920

- This is one of the indigenous American styles of architecture & rare in Palm Beach
- Low-pitched hipped roof, with wide overhanging eaves
- Two stories with a one story wing on north facade - originally an open porch
- Inconspicuous entry (on west facade)
- A ribbon of windows at the street facade

Testa Family LLC. - 214 Sunset Avenue c.1920 (50-43-43-22-31-000-0611) left and (50-43-43-22-32-000-0600) right

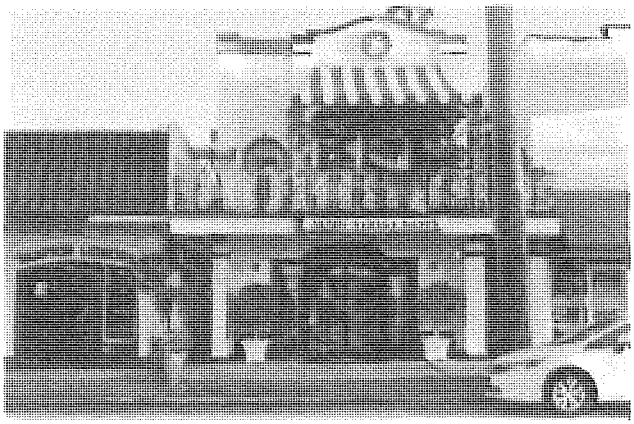
Mission Style: Unknown Architect c. 1920

- A vernacular variety of the Mediterranean Revival style
- Rectangular in form with a smooth stucco exterior
- Flat roof with a prominent Spanish parapet and cartouche on north facade
- Regular fenestration, although windows are not original
- Front porch with barrel tile shed roof
- Small Mission bell arch to the west
- The space between these two buildings form the northern termination of Testa's Via as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.3 Vias

Sunset Condominium Apartments (Multiple owners and parcel numbers) -244 Sunset Avenue c.1950

Mid-Century Modern: Unknown Architect c. 1950

- Two story rectangular apartment building
- Jalousie and aluminum awning windows
- Exposed rafter ends
- Smooth stucco exterior with brick trim for contrast
- Brick planters on the north facade that meet the sidewalk bringing greenery to the street
- Second floor terrace in the southeast corner of the building



Main Street News - 255 Royal Poinciana Way c.1919 (50-43-43-22-32-000-0130)

Mission Style: Unknown Architect c. 1919

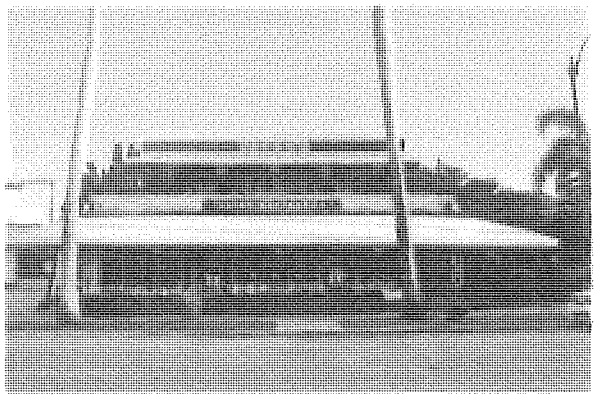
- Rectangular building with wood frame structural system
- Asymmetrical Mission-stye parapet with flat built-up roof
- Smooth stucco exterior
- The balcony and metal railings were added c. 1970s
- Decorative Octagon window and ceramic Della Robbia plaque on south facade
- Some sources say this building was associated with the Florida East Coast Railroad but it has been greatly altered

Maha Ganapathy Trust - 233/235 Royal Poinciana Way, 1945 (50-43-43-22-32-000-0211)

Masonry Commercial Building: Gustav Maass, 1945

- Commercial Building with residential units in rear with courtyard
- Concrete block structural system
- Covered with smooth stucco
- Flat built-up roof with flat parapet
- Two angled storefronts with center passageway to rear
- Stucco storefront beam separating first and second floors as illustrated in *Palm Beach PUD-5 Design Guidelines,* section 2.9 Storefront Composition

3) Urbanistically Contributing - These buildings fit into their environment and meet the street in such a way as to contribute to the character of the historic block. The loss of the contributing aspects of these buildings (as outlined in the bullet points below each illustration) would negatively affect the character of the block and shall therefore be preserved.



Testa's Restaurant (Testa Family LLC) - 221 Royal Poinciana Way- Draper Babcock, 1947 (50-43-43-22-32-000-0280)

Masonry Commercial: Draper Babcock, 1947

- This building could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- Flat roof with prominent parapet
- Neon signs representing the 1940s and 1950s
- Building more free standing than others on the street emphasizing outdoor dining spaces as illustrated in *Palm Beach PUD-5 Design Guidelines,* section 2.6 Sidewalk Seating
- First and second floor patios
- Double wrought iron columns with brick bases, planters, and tile floor define the outdoor seating area
- The front dining room with pine paneling, booths, and bar is representative of "Old" Florida restaurants. The tile floor is a continuation of the outside floor

Via Testa (Testa Family LLC) - 221 Royal Poinciana Way c.1980s (50-43-43-22-32-000-0280)

- This Via could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- One of the small buildings in Via Testa may have been the Town Jail on the 1919 Sanborn Map. These buildings are urbanistically important as illustrated in *Palm Beach PUD-5 Design Guidelines,* section 2.8 Narrow Shops
- Important for the concept of open space in the block as illustrated in *Palm Beach PUD-5 Design Guidelines,* section 2.3 Vias

Cucina del Art (Ritcon Properties LLC) - 257 Royal Poinciana Way - John Stetson, 1950 (50-43-43-22-31-000-0400) and Hampton Liquors - 255 Royal Poinciana Way -1950 (50-43-43-22-32-000-0130)

Masonry Commercial: John Stetson, 1950

- Outdoor dining space as illustrated in *Palm Beach PUD-5 Design Guidelines,* section 2.6 Sidewalk Seating

Palm Beach Daily New Building (Breakers Palm Beach, Inc.) c.1924 - 265 Royal Poinciana Way (50-43-43-22-32-000-0081)

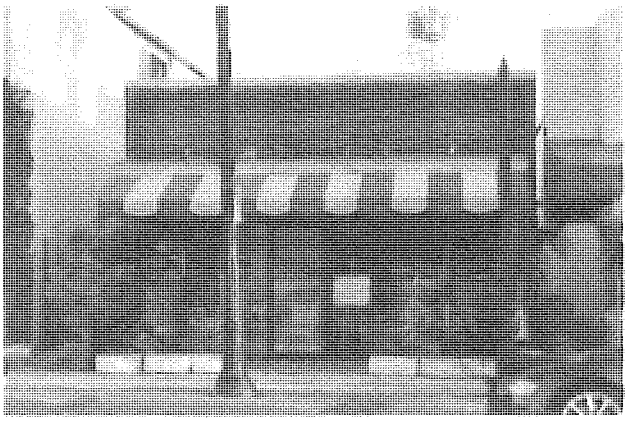
Mediterranean Revival: Unknown Architect, c.1924

- Greatly altered in 1931,1937, 1941 and 1950
- Urbanistically contributing because of the way the building mass meets the street

Island Home (MB Ventures of Palm Beach) - 249 Royal Poinciana Way c.1923 (50-43-43-22-32-000-0141)

Masonry Vernacular: Unknown architect, c. 1923

- This building could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- More than 60% of the storefront windows are at eye level as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.10 Storefront Windows
- Transom lights above the awning give light to the interior
- The storefront base protects the windows from damage as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.9 Storefront Composition



Tropical Fruit (Poinciana Capital Corp.) - 261 Royal Poinciana Way c.1923 (50-43-43-22-32-000-0100)

Wood Frame Vernacular: Unknown Architect, c. 1923

- Urbanistically contributing because of the way the building mass meets the street
- Greatly altered - Original storefront has been removed and brick facade added

P. Goodwin and Rapunzel's (MB Ventures of Palm Beach) - 253 Royal Poinciana Way c. 1920 (50-43-43-22-32-000-0141)

Masonry Vernacular: Unknown Architects, P. Goodwin c. 1920; Rapunzel's c. 1950

- These buildings could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- Parapet on P. Goodwin reflects 1920s style. Building was greatly altered c. 1970
- Rapunzel's storefront base protects the windows from damage as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.9 Storefront Composition
- More than 60% of the storefront windows are at eye level as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.10 Storefront Windows

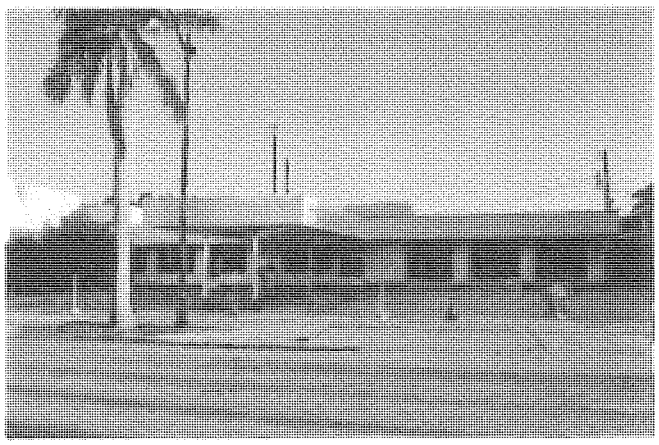
Palm Beach Resort Wear - 217 Royal Poinciana Way c. 1950 - This building shares a legal address with the Palm Beach Book Store although it does not have the same architectural character. (Vesenaz Holding Corp.)(50-43-43-22-32-000-0321). No Photograph.

Masonry Vernacular: Unknown Architect, c. 1950

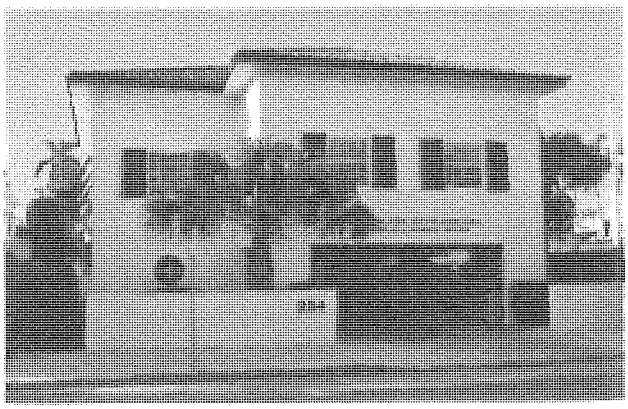
- Urbanistically contributing because of the way the building mass meets the street

4) Non-Contributing - These buildings and spaces detract from the whole and could be demolished and rebuilt within the historic character of the PUD-5 using the *PUD-5 Design Guidelines* as adopted by reference and with the approval of LPC.

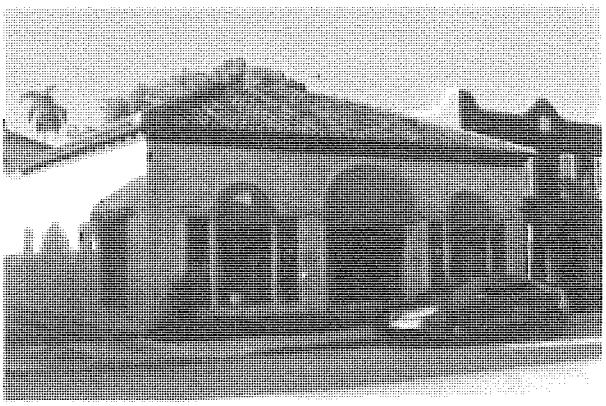
Bank (Fidelity Fed Save and Loan Assn.) - 245 Royal Poinciana Way (50-43-43-22-32-000-0170)



Testa's Service Station (Testa Family LLC) - 231 Royal Poinciana Way (50-43-43-22-32-000-0230)

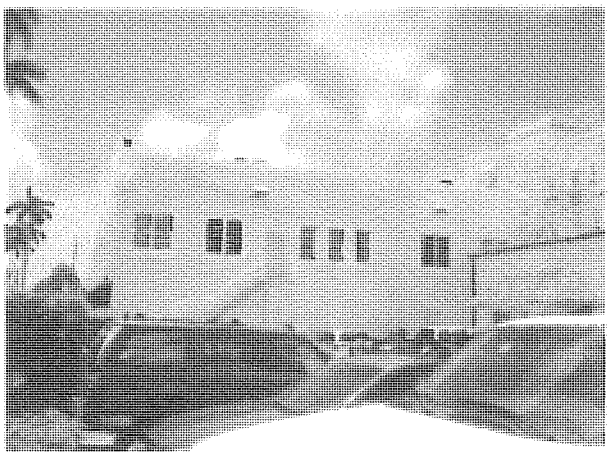


Professional Offices (Clive Boner & Neil Boner) - 254 Sunset Avenue (50-43-43-22-31-000-0440)



212 Sunset Avenue (Vesenaz Holding Corp.) - (50-43-43-22-31-000-0630)

210 Sunset Avenue (Vesenaz Holding Corp.) - (50-43-43-22-31-000-0630)



Parking Lot at Breakers Office Building (Breakers Palm Beach Inc). - 265 Royal Poinciana Way (50-43-43-22-32-000-0040)

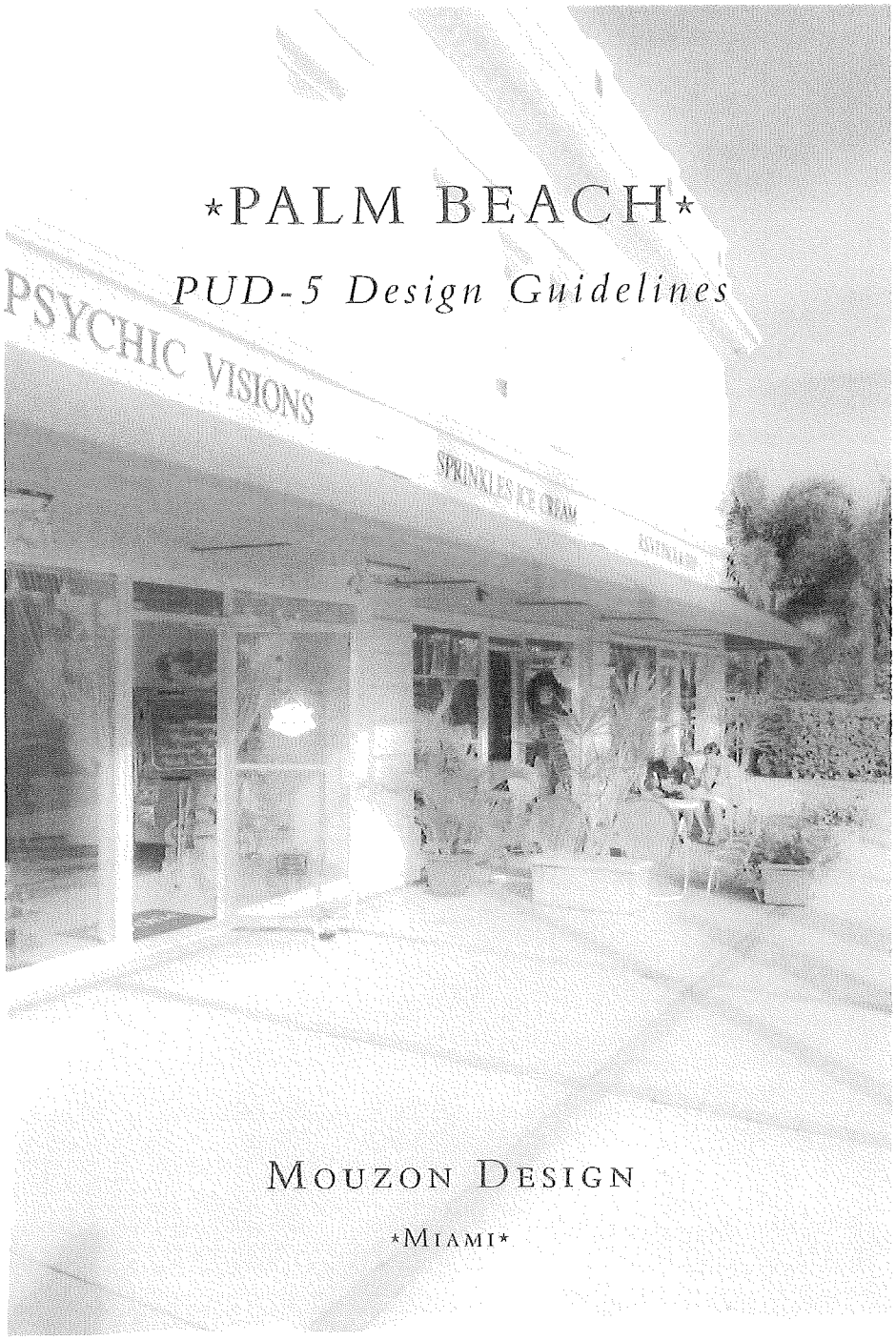
Conclusions

The area considered in the PUD-5 is a five acre tract between Royal Poinciana Way and Sunset Avenue, and between Bradley Place and County Road.

- Royal Poinciana Way was the original Main Street of the Town of Palm Beach. The entire block is part of the Floral Park Subdivision that was platted in 1912.
- This area is historically significant because of its associations with development patterns, commerce, and transportation in Palm Beach.
- In architectural form, the RPW PUD-5 is a two part Commercial Block that is horizontal in orientation.
- Architectural resources within the PUD-5 area are characterized as 1) Historically and Architecturally Contributing, 2) Architecturally Contributing, 3) Urbanistically Contributing, or 4) Non-Contributing.
- Many of the buildings within the PUD-5 area (particularly those in category 1 or 2 may qualify for designation as a Landmark of the Town of Palm Beach under Chapter 54 of the Town of Palm Beach Code of Ordinances (Landmark Preservation) **Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.**
- Those buildings that do receive landmark designation can take advantage of the Historic Properties Tax Exemption (Tax Abatement) Program as offered by the Town of Palm Beach and Palm Beach County.
- Other Federal tax incentives for historic properties may be available on a case by case basis depending on the integrity of the original architecture and the scope of the project.
- The contributing resources in the RPW PUD-5 exhibit a number of architectural styles. These are: Mediterranean Revival, Neo-Classical Revival, Art Moderne, Mission Style, American Four Square, Masonry Commercial and Wood Frame Vernacular.
- New development in the PUD-5 area should reflect the stylistic vocabulary of the historic architecture that is already present in the area and should reference the *Palm Beach PUD-5 Design Guideline.*
- Homogeneity should be avoided in future development. The original rhythm of variation in style, height and fenestration patterns should be maintained.
- Architectural review of future projects will be considered by the Town Council with recommendations from the Landmarks Preservation Commission.

PALM BEACH

PUD-5 Design Guidelines



MOUZON DESIGN

MIAMI

PALM BEACH

PUD-5 Design Guidelines

Authored By:

Mouzon Design

Miami

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ARTICLE 1
GENERAL

1.1 AUTHORITY

1.1.1 The action of the Town of Palm Beach, Florida in the adoption of these PUD-5 Design Guidelines is authorized by and in accordance with the procedures for the adoption of amendments to Chapter 134 of the Code of Ordinances for the Town of Palm Beach.

1.1.2 These PUD-5 Design Guidelines, providing urban center building standards, is adopted as an instrument of implementation of the PUD-5 historical preservation of mixed use commercial development or redevelopment, as set forth in Section 134- 476 (d) of the Code of Ordinances of the Town of Palm Beach.

1.1.3 These PUD-5 Design Guidelines were adopted administratively by the Palm Beach Town Council on {DATE TO BE ADDED}.

1.2 INTENT

1.2.1 The purpose of these PUD-5 Design Guidelines is to enable and encourage the implementation of commercial and mixed-use buildings in the subject urbanism, which is the block of Palm Beach bounded by Royal Poinciana Way on the South, Sunset Avenue on the North, North County Road on the East, and Bradley Place on the West.

1.2.2 These PUD-5 Design Guidelines contain patterns for elements of the urbanism and the architecture of this block.

1.3 APPLICABILITY

1.3.1 Provisions of these PUD 5 Design Guidelines are activated by "shall" when required; "should" when recommended; and "may" when optional.

1.3.2 These PUD-5 Design Guidelines are applicable for all development or redevelopment pursuant to the PUD-5 option provided for at Section 134-476 to 134-564 of the Code of Ordinances of the Town of Palm Beach.

1.3.3 Terms used throughout these PUD-5 Design Guidelines shall take their commonly accepted meanings or as defined in the Definitions (Article 4.) In the event of conflicts between these definitions and those of the Code of Ordinances of the Town of Palm Beach those of these PUD-5 Design Guidelines shall take precedence.

1.3.4 The Definitions of Terms contains regulatory language that is integral to these PUD-5 Design Guidelines.

1.4 COMPANION DOCUMENT

The companion document entitled *The Historic Character of Royal Poinciana Way* is meant to work cooperatively with this document. It describes everything that has happened with the subject urbanism to date; this document describes what should happen hereafter.

ARTICLE 2
PUD-5 DESIGN GUIDELINES

2.1 CONTEXT

2.1.1 This Article contains PUD-5 Design Guidelines for development, redevelopment and infill development under the PUD-5 option.

2.1.2 These PUD-5 Design Guidelines are calibrated to produce places where more people choose to walk. Greater walkability enhances the social and economic viability of a place.

2.1.3 These PUD-5 Design Guidelines are intended to foster development of a place with a mix of uses because a mix of uses also enhances social and economic viability. These may include retail, food service, office, residential, lodging, and civic uses.

2.2 FORMAT

2.2.1 Each pattern in these PUD-5 Design Guidelines begins with the pattern name and number.

2.2.2 The next item is the rule of thumb. These are the instructions for what to do.

2.2.3 The next item begins with "We do this because". This is the intent behind the rule of thumb. The intent is meant to broaden choice because if someone knows the reasons behind the guideline, they can figure out more ways of meeting both the rule of thumb and also the intent.

2.2.4 References may be included below the intent to other patterns which relate to the current pattern.

2.2.5 The following items are annotated photographs illustrating various conditions that can be achieved using the rule of thumb and the intent. The photographs may illustrate both entire patterns and details of the patterns.

2.1 FRONTAGES

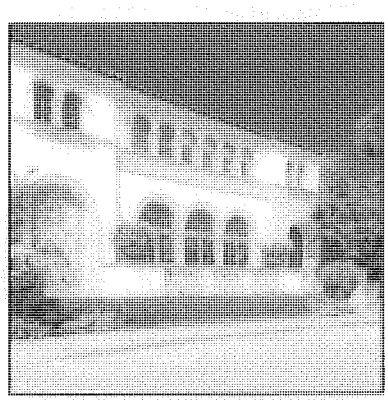
Pull all buildings except certain civic buildings to the frontage line. Residential buildings may have a setback of no more than 15′ on vias. Do not leave gaps wider than 15′ between buildings along a street frontage.

WE DO THIS BECAUSE: The ever-changing tapestry of good storefronts pulled right up to the sidewalk is one of the biggest inducements to keep pedestrians walking. Pulling storefronts back is a huge impediment to walkability because, given a choice between walking on one side of a street with storefronts tight to the sidewalk and the other side without close storefronts, many people will cross the street to walk on the entertaining side, even when this choice only exists for as little as one block. The only buildings that are important enough to pull back, leaving a front yard, are major civic buildings such as city halls, courthouses, church buildings, and schools. Civic buildings often need a yard to allow for public gatherings. This yard is often detailed as a square or a plaza. Because Main Streets are the most intense, civic buildings that require yards should be preferred on Front Streets. Ground floor uses shall be primarily retail (merchandising and food service.) Offices and other commercial services can be built on Main Streets and Front Streets, so long as they behave just like retail buildings. Purely residential buildings may not be built on the first floor of Royal Poinciana Way.

~

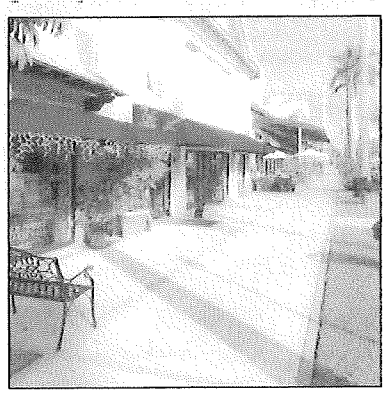
[See 2.5 Parking]

[activity on sidewalks next to storefronts]

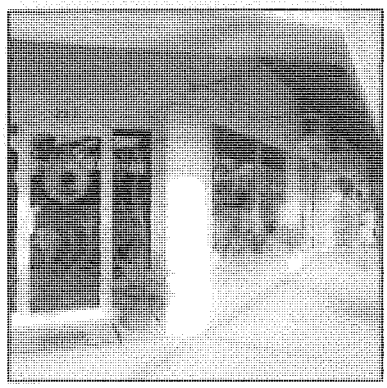


[civic buildings can have more green]

[civic buildings don't have to set back]



[sidewalk extended to set-back building]



[storefronts attract]

[restaurant sidewalk vitality]

2.2 HEIGHT VARIATIONS

Building heights should vary by at least 6" from adjacent existing buildings. Vary storefront heights and window heights at each level by at least 4" from adjacent existing buildings. New buildings should be no less than 2 stories on streets and 1 story on vias, with a maximum height of 3 stories at block corners and 3 stories along other street fronts.

WE DO THIS BECAUSE: The best towns that were built sequentially over years, decades, or centuries, so heights naturally varied for a number of reasons. Even buildings built adjacent to each other from the same design usually had some height variations if built at different times due to using different builders with construction conventions that varied slightly.

Block corners should have the highest buildings to create the strongest street enclosure because intersections are the most open parts of a street. Vias may be very narrow, allowing even one-story buildings to provide a good enclosure proportion.

~

[See 2.1 Frontages]

[1, 2, & 1-1/2 stories]

[small variations]

[taller building anchoring block corner]

[taller 1st floor boosts corner building]

[window height differences]

[no two heights exactly alike]

2.3 VIAS

Use vias to move pedestrians through the middle of a block. Vias should be open for most of their length but may be covered occasionally. If covered, the roof should be glazed except for very short passages. Storefront windows on vias are strongly encouraged. Vias may be as narrow as 6′ or as wide as 24′ except at piazzas, which may be wider.

WE DO THIS BECAUSE: Vias can be ominous if they are lined with blank walls. And just like any other pedestrian environment, if you bore the pedestrians, they will go elsewhere. So the minimum lining for a via should be copious planting material. The only other reliably effective via lining less than storefronts is seating for adjacent business, such as waiting seating for a restaurant.

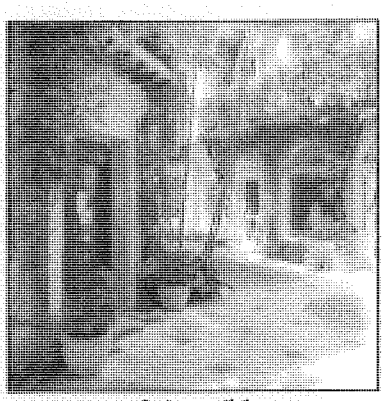
The businesses behind the storefronts may spill out onto the via with tables for restaurants and retail display for shops. This enhances the walkability and the vitality of the via.

~

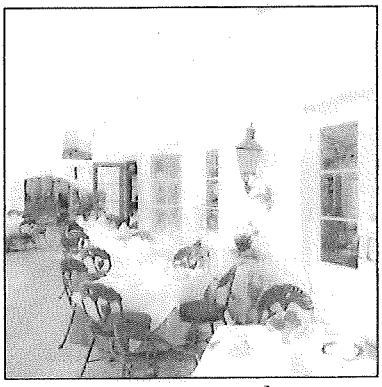
[See 2.1 Frontages, 2.6 Sidewalk Seating, 2.10 Storefront Windows]

[arched via entrance]

[trellised via entrance]

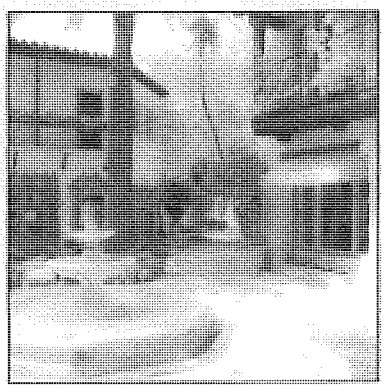


[via retail]



[via restaurant]

[via garden]



[via may widen into piazza]

2.4 SIDE STREET ELEVATION

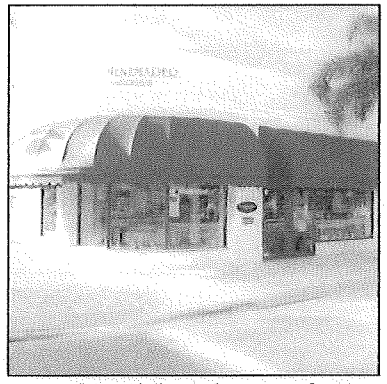
On block corner buildings, wrap the storefront design at least one storefront bay down the side street.

WE DO THIS BECAUSE: Extending the vitality of the storefront down a side street energizes the side street, connecting the walkability of the Main Street or Front Street into the surrounding neighborhood streets. The wrapped storefront is made more effective by chamfering the corner because it makes the transition around the corner easier. The upper level of the building may chamfer with the storefront, or it may remain square.

~

[See 2.9 Storefront Composition, 2.10 Storefront Windows]

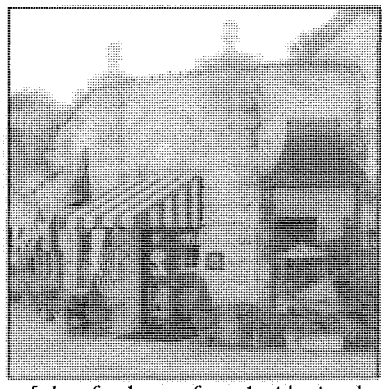
[square storefront wrap]



[rounded storefront wrap]

[chamfered storefront wrap]

[wrap can be longer on busy side streets]



[chamfered wrap framed with piers]

[chamfers may be extra-long]

2.5 PARKING

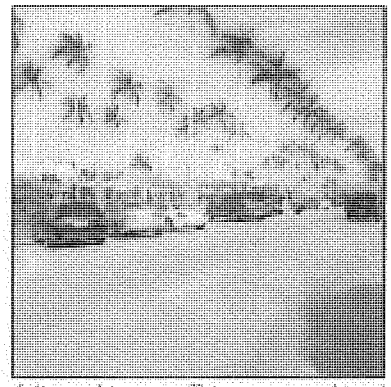
Parking is required on all vehicular thoroughfares except drives between streets and parking on the interior of the block. Site Parking is permitted only if screened by buildings and 20' or more from the frontage line. Structured parking must be concealed underground.

WE DO THIS BECAUSE: Parked cars can enhance urbanism in precise instances, such as shielding pedestrians on a sidewalk from intense traffic. But parked cars can also be corrosive to walkability if placed improperly. The only place where parking should be visible from a thoroughfare should be parallel or diagonal parking between travel lanes and a sidewalk. Curb cuts on Royal Poinciana Way are not permitted because they disrupt pedestrian flow on what should be the part of the block with the greatest vitality.

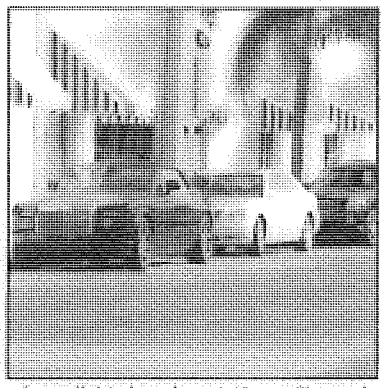
~

[See 2.8 Narrow Shops]

[quadruple the usual parking spaces]



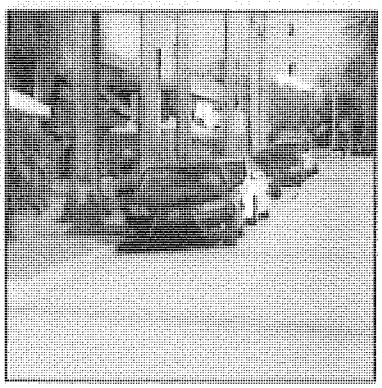
[diagonal is most efficient street parking]



[parallel is less than 1/2 as efficient]

[Worth is double parallel]

[upside to parallel is better street enclosure]



[parking shields sidewalks]

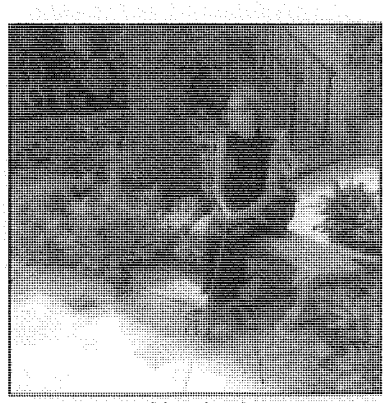
2.6 SIDEWALK SEATING

Sidewalk seating is permitted on all thoroughfares so long as it does not obstruct minimum designed pedestrian flow or encroach upon vehicular travel lanes.

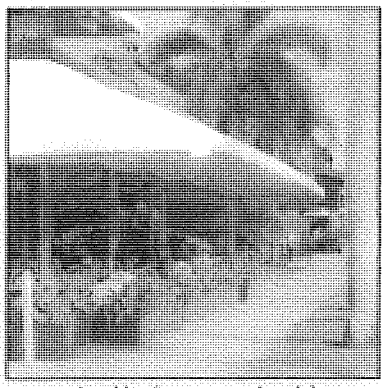
WE DO THIS BECAUSE: By enticing people to spend more time on the street, the street becomes more interesting and even more people are enticed to walk. Outdoor seating also requires less interior serving space and less space conditioning. People also require less space conditioning as they spend more time outdoors because they become acclimated to the local environment. Because of all this, no reasonable sidewalk seating proposal should be rejected so long as it does not reduce the clear travel width to less than 6 feet or the design width based on anticipated pedestrian traffic, whichever is greater, nor encroach upon vehicular travel lanes.

~

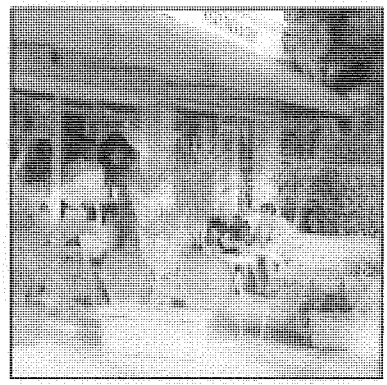
[See 2.1 Frontages]



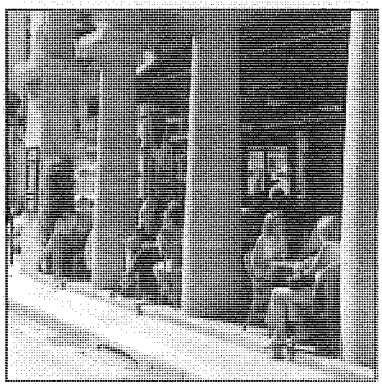
[benches]



[public frontage enclosed]

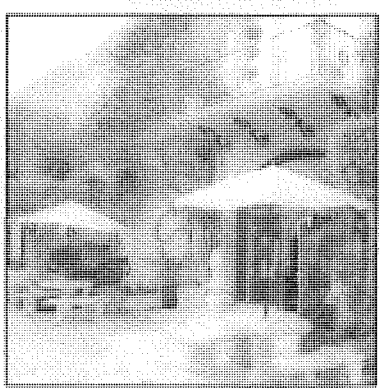


[public frontage semi-open]



[private frontage]

[table & chairs]



[tables & benches]

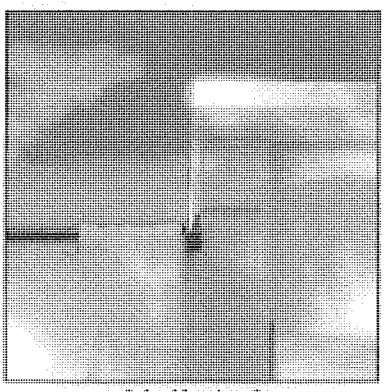
2.7 PARTY WALLS

Allow party walls to be joined at the frontage by a common pier if adjacent units are built at the same time. Otherwise, provide a pier at the end of each unit that terminates the cornice of each building appropriately.

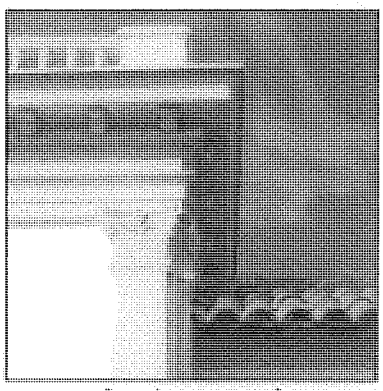
WE DO THIS BECAUSE: Some Main Street buildings are built as part of a multi-unit construction project, while others are built individually. Party wall frontage techniques should accommodate both methods. Units built at the same time may have identical elevations above the storefront (pictured below) or may simply have a common pier, with the entire frontage varying on either side. The common end cap technique is similar, but with only the cornice end cap being common to both units. Both techniques may also be used when one building is built first, if the designer of the second building is content to allow the cornice of the second building to die into the first building's end cap. This can make the second building appear inferior to the first, however, so designers often opt for the double end cap, where each building terminates its own cornice. End caps are not required if there is a significant cornice height difference, because cornices can simply return onto the adjacent wall if allowed by local building officials. Other cornice terminations exist, such as the projecting parapet, which projects only at the cornice level to provide termination for the building cornice (and the neighbor's, if desired.) The same issues occur at the storefront beam level. The two methods illustrated here are the paint color method (also usable for building cornice) and the common end cap.

~

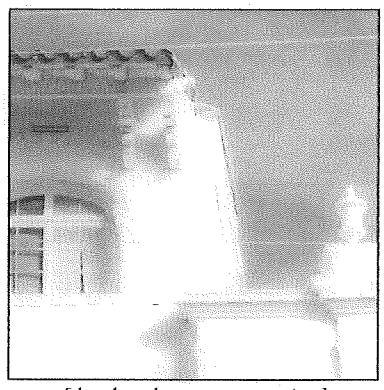
[See 2.1 Frontages, 2.2 Height Variations]



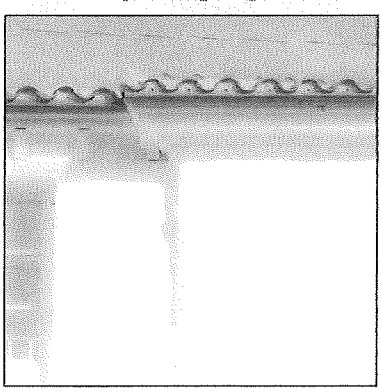
[double piers]



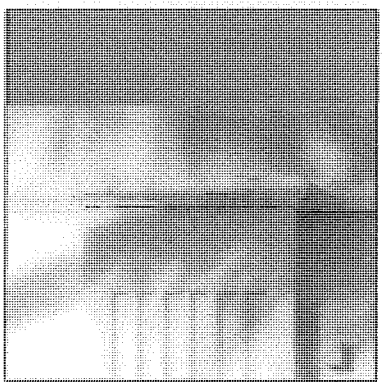
[cornice over eave]



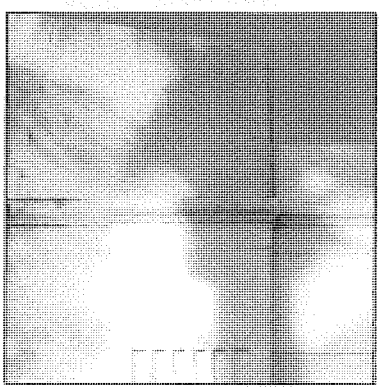
[bracketed eave over cornice]



[cornice return]



[common pier, color break]



[pediment on common pier]

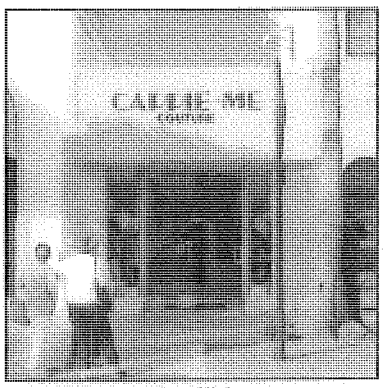
2.8 NARROW SHOPS

Provide for at least a few extremely narrow lots (12 feet wide or less.)

WE DO THIS BECAUSE: Many town centers do not have enough variety of building width. A few Narrow Shops make the streetscape much more interesting. They also create very small units, where establishments can be run for less expense than in more typically-sized units. Narrow Shops are similar to liner buildings, except that liner buildings turn their broad side to the street and their very thin side to their neighbor, while narrow shops do the opposite. Narrow shops are therefore the less expensive of the two because of having less frontage. This comes at the expense, however, of having less light. The Infill Narrow Shop is most common, and occurs mid-block between two larger buildings. It often occurs naturally as left-over space due to the spatial needs of the adjacent buildings. The Mid-Block End Cap Narrow Shop also occurs mid-block, adjacent to a playground or small square. The Corner End Cap Narrow Shop naturally occurs when space is left between the last building on the block and the corner. Free-Standing Narrow Shops are often Temporary Retail, intended to be moved elsewhere later. The Recessed Narrow Shop blocks the view of a mid-block parking lot. The Tall Narrow Shop is narrow in proportion due to its height of three stories or more, and may therefore be wider than 12 feet.

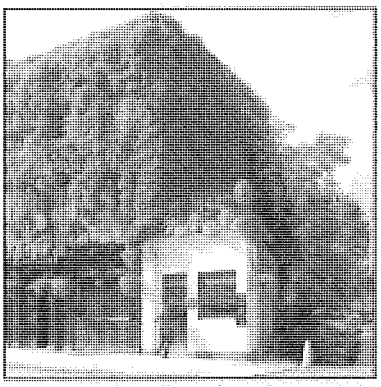
~

[See 2.1 Frontage]

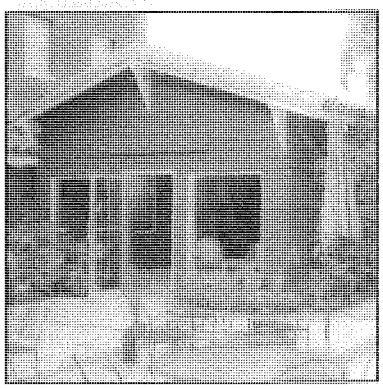


[infill]

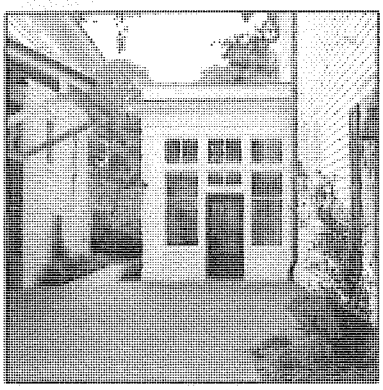
[mid-block end cap]



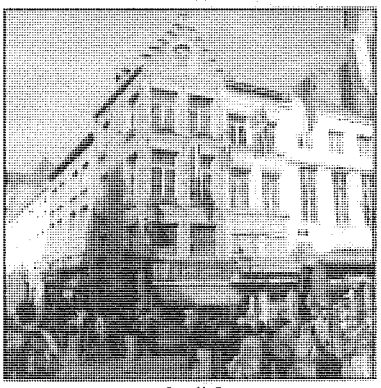
[corner end cap]



[free-standing]



[recessed]



[tall]

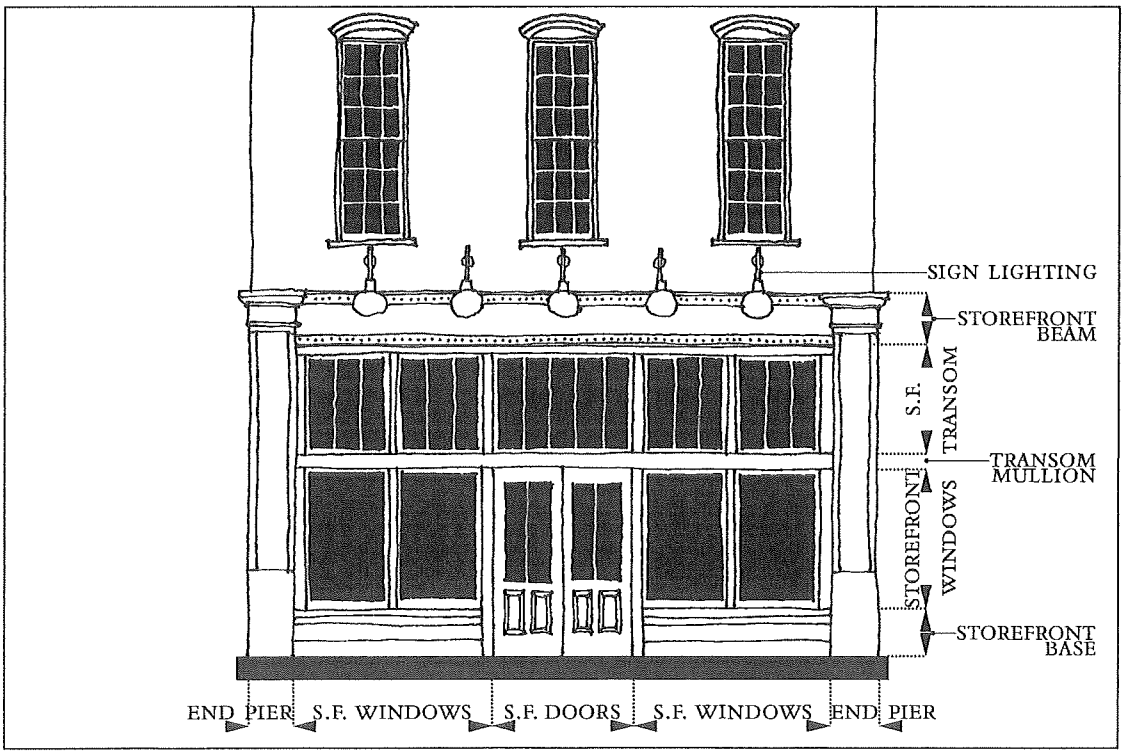
2.9 STOREFRONT COMPOSITION

Compose the storefront with a storefront beam at the top that supports the wall above. Arrange storefront doors and storefront windows below the transom mullion. A storefront transom may be located between the transom mullion and the storefront beam. Build a storefront base below the storefront windows.

WE DO THIS BECAUSE: The storefront beam is necessary for structural support, and it makes an ideal location for signage. The storefront windows are necessary for displaying wares, while the storefront transoms allow daylight to penetrate deeper into the store. The storefront base protects the storefront windows from damage and from the wear associated with periodic sidewalk cleaning.

~

[See 2.1 Frontages, 2.7 Party Walls, 2.10 Storefront Windows]



2.10 STOREFRONT WINDOWS

The glass, sash, and muntins of storefront windows should occupy no less than 60% of the storefront at eye level. The head height of storefront windows should be no less than 7 feet, and no greater than 20 feet. The sill height of storefront windows should be no less than 6 inches and no more than 30 inches.

WE DO THIS BECAUSE: Views through Storefront Windows are one of the major contributing factors to the appeal of walking. The bottom of the glass, however, should not be too close to the ground or it is likely to be broken. Nor should it be too tall, because views through a slot look into a dark interior and reveal little. And the top of the glass should be limited to one story plus a mezzanine because people typically are uncomfortable standing next to a very tall sheet of glass.

The storefront window types that follow categorize types by height and division for 5.3.1 through 5.3.6, then by the material used to mull the storefront windows together for 5.3.7 through 5.3.10.

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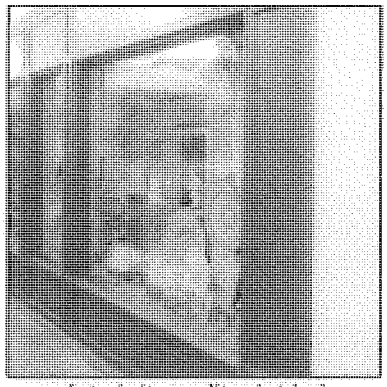
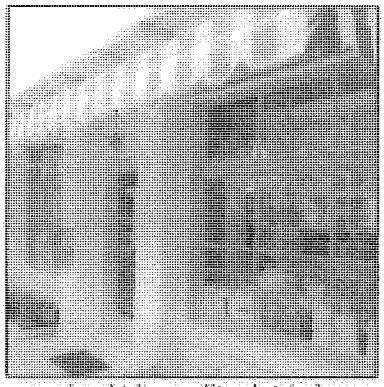
[See 2.1 Frontages, 2.3 Vias, 2.9 Storefront Composition]

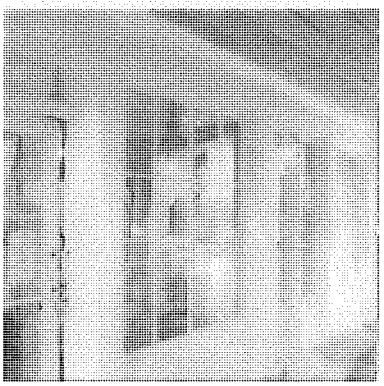


[single lite, mullion height]

[single lite, full height]



[multi-lite, mullion height]



[multi-lite, full height]

[glazed doors as storefront]

[arched]

Article 3
DEFINITIONS

To the extent not inconsistent with the definitions in the Zoning Code, Sec. 134-2, the following definitions shall govern:

Alley: service thoroughfare at the back of lots.

Apartment: a dwelling unit sharing a building and a lot with other dwellings and/or uses. Apartments may be for rent or for sale as condominiums.

Block: the aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares.

Block Face: the aggregate of all the building facades on one side of a block. The Block Face provides the context for establishing Architectural Harmony.

Building Disposition: the placement of a building on its lot.

Building Function: the uses accommodated by a building and its lot. Functions are categorized as Restricted, Limited, or Open, according to the intensity of the use.

Building Height: the vertical extent of a building measured in stories, not including a raised basement or a habitable attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures. Building Height shall be measured from the average grade of the enfronting thoroughfare.

Building Type: a structure category determined by function, disposition on the lot, and configuration, including frontage and height. For example, a rowhouse is a type, not a style.

Commercial: the term collectively defining workplace, office and retail functions.

Context: surroundings made up of the particular combination of elements that create specific habitat.

Courtyard Building: a building that occupies the boundaries of its lot while internally defining one or more private patios. This type is able to shield the private realm while strongly defining the public thoroughfare. Because of its ability to mask incompatible activities, it is recommended for workshops, lodging and schools.

Curb: the edge of the vehicular pavement detailed as a raised curb or flush to a swale. The Curb usually incorporates the drainage system.

Density: the number of dwelling units per acre.

Driveway: a vehicular lane within a lot, usually leading to a garage. A Driveway in the First Layer may be used for parking if it is no more than 18 feet wide, thereby becoming subject to the constraints of a parking lot.

Elevation: the exterior walls of a building not along a Frontage Line. Facades are the remaining exterior walls of buildings and are those exterior walls that are located along a Frontage Line.

Enfront: to place an element along a frontage line, as in "porches enfront the street."

Entrance, Principal: the main point of access of pedestrians into a building. In the support of pedestrian activity, the Principal Entrance should be given to a Frontage Line rather than to the parking.

Facade: the exterior wall of a building that is set along a Frontage Line (see Elevation). Facades support the public realm and are subject to requirements additional to those required of elevations

Frontage Line: those lot lines that coincide with a public frontage. Facades along Frontage Lines define the public realm and are therefore more regulated

than the elevations that coincide with other Lot Lines.

INFILL: a project within existing urban fabric.

LINER BUILDING: a building specifically designed to mask a parking lot or a parking garage from a frontage. A Liner Building, if less than 30 feet deep and two stories, shall be exempt from parking requirements.

LODGING: premises available for daily and weekly renting of bedrooms. The area allocated for food service shall be calculated and provided with parking according to retail use.

LOT LINE: the boundary that legally and geometrically demarcates a lot (see Frontage Line). Such lines appear graphically on Community and Site Plans. Codes reference lot lines as the baseline for measuring setbacks.

LOT WIDTH: the length of the principal Frontage Line of a lot.

NET SITE AREA: the developable areas of a site, excluding flood plain.

OFFICE: premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

OUTBUILDING: an ancillary building, usually located towards the rear of the same lot as a Principal Building. It is sometimes connected to the principal building by a Backbuilding. Outbuildings shall not exceed 600 square feet of habitable space, excluding parking areas.

PARKING STRUCTURE: a building containing two or more stories of parking. The propensity of Parking Structures to create negative pedestrian experiences along their frontage shall be mitigated by the provision of a Liner Building at the first story.

PRINCIPAL BUILDING: the main building on a lot, usually located toward the frontage.

PRIVATE FRONTAGE: the privately held layer between the frontage line and the principal building facade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries.

PUBLIC FRONTAGE: the area between the curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the type of curb, walk, planter, street tree and streetlight.

RESIDENTIAL: premises available for long-term human dwelling.

RETAIL: premises available for the sale of merchandise and food service.

RETAIL FRONTAGE LINE: Frontage Lines designated on a Community Plan that require the provision of a Shopfront, causing the ground level to be available for retail use.

SETBACK: the area of a lot measured from the lot line to a building facade or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first story level) which are permitted to encroach into the Setback.

SIDEWALK: the paved layer of the public frontage dedicated exclusively to pedestrian activity.

SITE: The total land enclosed by all Lot Lines of a piece of property. The Site is made up of the First Layer, the Second Layer and the Third Layer.

STORY: a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Attics and raised basements are not considered stories for the purposes of determining building height.

STREETSCAPE: the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

VIA: a pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to frontages.