



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

JUNE 26, 2025

9:30 AM

TOWN HALL COUNCIL CHAMBERS, 2ND FLOOR | 360 SOUTH COUNTY RD | PALM BEACH, FL 33480

Gail Coniglio, Chair
Eric Christu, Vice Chair
Marilyn N. Beuttenmuller, Member
William J. Gilbane, Member
Jorge Sanchez, Member
Michael Vincent John Spaziani, Member
Matthew Ailey, Alternate Member
Victoria Donaldson, Alternate Member
Nicki McDonald, Alternate Member

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES

1. Minutes of the June 3, 2025, Planning and Zoning Commission Meeting

APPROVAL OF AGENDA

COMMENTS

2. OFFICIALS
3. STAFF
4. PUBLIC - 3 MINUTE LIMIT

For those unable to attend in person: Submit a written comment [Register to comment virtually](#)

GENERAL BUSINESS

5. Draft Work in Progress of Glossary of Terms

UNFINISHED BUSINESS

6. Zoning in Progress Recommendations

ANY OTHER BUSINESS

MEETING SCHEDULE

7. The next meeting is Tuesday, August 5, 2025.

ADJOURNMENT

Access this meeting video on the 'Public Meetings' page at www.townofpalmbeach.com.

If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Disabled persons needing accommodations to participate in this meeting should contact the Town Clerk's Office at (561) 838-5416 at least one day prior to the meeting.



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on June 3, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 AM in the Town Council Chambers.

Members Present: Michael Vincent Spaziani, Eric Christu, Marilyn Beuttenmuller, Victoria Donaldson, Jorge Sanchez, William Gilbane, Nicki McDonald, Matthew Ailey, Gail Coniglio

Staff Members Present: Wayne Bergman, Director of Planning, Zoning, and Building, Jennifer Hofmeister, and Joanne O'Connor, Town Attorney

Clerk's Note: Alternate Member McDonald will be a voting member due to the passing of Mr. Tatooles.

PLEDGE OF ALLEGIANCE

Deputy Clerk Gayle-Gordon gave the Invocation, and Chair Coniglio led the Pledge of Allegiance.

Chair Coniglio called for a moment of silence in observance of the passing of John Tatooles.

APPROVAL OF AGENDA

A motion was made by Mr. Spaziani and seconded by Ms. Beuttenmuller to approve the agenda as presented. The motion was carried unanimously, 7-0.

MINUTES

1. Minutes of the Planning and Zoning Commission Meeting Held on May 6, 2025

Ms. Beuttenmuller referred to page 7 of the backup, third paragraph beginning “Attorney O’Connor...” and suggested that paragraph be rewritten as it was missing some elements. Town Attorney O’Connor stated she would listen to the recording and make the necessary revisions.

A motion was made by Mr. Gilbane and seconded by Mr. Spaziani to approve the minutes of the May 6, 2025, meeting as amended. The motion was carried unanimously, 7-0.

COMMENTS

2. OFFICIALS

Ms. Beuttenmuller thanked Ms. Hofmeister for her work in finalizing the Comprehensive Plan, a copy of which was received by each member.

3. STAFF

There were none.

4. PUBLIC - 3 MINUTE LIMIT

Chair Coniglio called for public comment. No one indicated a desire to speak.

UNFINISHED BUSINESS

5. Draft Town of Palm Beach Zoning in Progress: Traffic and Parking Analysis

Clerk’s note: Chair Coniglio declared a conflict regarding this item and recused herself from the dais.

Wayne Bergman, Director of Planning, Zoning, and Building, provided a historical background to support the study. He stated that in May 2021, the Town Council was surprised to find out that restaurants, bars, and nightclubs were permitted by right in certain zoning districts of the Town. In July 2021, the Town Council adopted Ordinance No. 12-2021, which made food and beverage operations (including restaurants, bars, lounges, nightclubs, and private clubs) special exception uses in the commercial zoning districts. At that time, Town Attorney Skip Randolph pointed out to the Town Council that they should have valid data to base their decisions. He specifically addressed the basis for regulating all food and beverage operations, the need to study existing traffic and congestion problems that directly relate to food and beverage operations on the island, and how to deal with possible future expansions of food and beverage operations.

In June 2024, the Town Council adopted Resolution No. 069-2024 declaring a Zoning-in-Progress (ZIP) on new and expanded food and beverage operations for six

months. In July of 2024, Sean Suder, ZoneCo, prepared a memorandum detailing the process for the Town to study the food and beverage operations to determine whether the current and projected food and beverage operations and seats were sustainable or not, and if their impact would adversely affect public resources. In November of 2024, Resolution No. 150-2024 was adopted to extend the ZIP for another six months. During December 2024, February 2024 and February 2025, the Corradino Group performed traffic measurements and obtained origin and destination data regarding food and beverage operations during the busy winter season. For the ZIP exercise, the Town was divided into five (5) districts, starting with District 1 at the north end and running south to District 5 at the south end of the island. Resolution No. 041-2025 was adopted in April of 2025, extending the ZIP to July 9, 2025. In May, the Corradino Group released the ZIP traffic and parking analysis regarding food and beverage locations.

Joe Corradino and Diana White of the Corradino Group were present to explain their methodology and data findings. Their recommendations were to prohibit new and expanded food and beverage establishments from operating before 5:00 PM in the areas of Town from Island Drive north to the Inlet and capping the current number of seats in the four (4) districts above Island Drive, which includes Districts 1, 2, 3, and 4. They also recommended that loading operations related to food and beverage establishments be restricted in all locations. Mr. Bergman stated his agreement with this recommendation, as there seems to be a haphazard approach to deliveries to restaurants and clubs, which includes parking in the right-of-way.

Mr. Corradino explained that they became involved with the ZIP in August 2024, which was extended until July 2025. The scope of services was to look at everything traffic-related, regarding the food and beverage establishments, such as the number of cars generated out of the community by these restaurants and bars; how much parking is required; the impact of that traffic on the roadway network, and the impact of that traffic on parking and loading. After analyzing the data, recommendations were developed to mitigate any negative impacts regarding traffic. Ms. White explained, in detail, the data collection and analysis for each district, which was followed by a discussion on the recommendations.

Mr. Aditya Katragadda joined the meeting via Microsoft Teams. He explained the time-of-day data collected and how the data could be segregated for analysis.

Ms. McDonald asked about the data collected when South County Road was closed in December. Ms. White responded that the original destination analysis was conducted using street light data from December 1, 2024, through February 28, 2025. She said deficiencies were completed when traffic counts were collected January 9, 10, and 11, 2025, and capacity analysis data, which Kimley-Horn completed at the beginning of March 2025. Ms. White also clarified that for the intersections to the southern end, the 2024 traffic counts were used for the southern intersections impacted by the road closure. Mr. Gilbane suggested that an

explanation of the road closure time during January, due to the Presidential Inauguration, be included in the executive summary.

Ms. White presented the recommendations based on several considerations, including the 2025 traffic analysis counts completed for January, the number of seats each district has approved, the Kimley-Horn 2025 updated document, and the 2030 forecasted traffic conditions.

Mr. Corradino stated two primary recommendations for the ZIP Food and Beverage Locations. One prohibited new food and beverage establishments in districts one through four from operating before 5:00 p.m. Seat counts would be capped at each district's current number of seats. The second was to restrict loading operations in all districts during weekday peak hours, with the specific hours to be determined with the forthcoming Parking and Loading Code Study currently underway with Kimley-Horn and Associates.

Mr. Corradino assured the Planning and Zoning Commission that he felt confident that everything that could be discovered through this level of analysis had been discovered. He also thought that the recommendations would mitigate the current issues from worsening.

Mr. Sanchez felt that the time factor was necessary for the commission members to understand the traffic patterns. He noted that most individuals attending the clubs are residents of Palm Beach. He wondered if restaurants were a realistic target of study. Mr. Corradino said the data could be more specific concerning time-stamped data concerning traffic destinations. He said there was no question that some effects were being felt from the ambient growth of the state and the region on traffic. He said the most significant traffic generator appears to be the food and beverage establishments.

Mr. Spaziani asked if it was important to the analysis that the reason for the traffic issues was the food and beverage establishments, or if there was a general traffic problem. Mr. Corradino said Palm Beach has a general traffic problem exacerbated by the food and beverage location because of the high number of seats. He further explained how capping the number of seats would work similarly to concurrency. He said it appeared that restaurant access was primarily for single-family type vehicles.

Mr. Gilbane shared that he thought the problems were with the commercial town serving district. He said if the numbers are over 50%, seats are being added for people who are not residents of Palm Beach. He said historically, the clubs have been 98% town residents. However, many trips to the clubs now are well over 50% off-island patrons.

Clerk's Note: Mr. Gilbane left the meeting at 10:19 a.m.

Mr. Sanchez was not supportive of additional restaurants in town. However, he did not feel that the approach was appropriate. He did not think the clubs or restaurants were causing issues; he felt that workers in town generated much congestion.

Ms. McDonald said understanding the big picture was more important. The question was whether a restaurant would want to open on weekends to serve dinner or lunch. She noted that traffic signals and intersections have been failing, and the question is whether to allow additional food and beverage establishments.

Mr. Corradino stated that traffic would get worse and uncontrolled if nothing was done. He said this is the first step in controlling traffic and regulating supply and demand.

Ms. Beuttenmuller asked how the traffic data for construction is compared to the data related to food and beverage. Ms. White said that there would be a different analysis.

Ms. Hofmeister was interested in the implications for the Town of Palm Beach relative to unbuilt, approved projects in West Palm Beach. Ms. White stated that data had been collected from West Palm Beach, and those numbers were added to the 2030 forecast operations.

Mr. Ailey thought that making a recommendation against restaurant operations during the day would not solve all the problems. He said additional issues would surface as additional changes occur, such as retail use buildings being converted to office space, and other similar changes.

Mr. Spaziani read from page 5 of the future land use section of the comprehensive plan, which states “that high traffic-generating commercial uses be prevented from further proliferating and also be reduced whenever possible”. He said that he believes the town has reached its maximum number of restaurants and that this sentence from the comprehensive plan should be taken in context.

Mr. Sanchez said he looked favorably at the recommendations and thought they were good for the town and a step in the right direction. He stated that the greatest problem was the service workers, who were limited to a certain time (8:30 – 4:30) on the island.

Responding to Ms. McDonald, Mr. Bergman stated that the staff was looking for a recommendation from the Commission to the Town Council, if it can be made today or at the next meeting on June 26.

Mr. Christu asked if the commission was ready to make a recommendation today.

Mr. Ailey said fewer restaurants are currently operating than one year ago, and the traffic has been worse this season. He suggested that the recommendation should include the fact that there is no restaurant issue at dinnertime.

Clerk's Note: Alternate Members Donaldson and Ailey will be voting members as Chair Coniglio is recused and Mr. Gilbane has left the meeting.

The Commission agreed to move forward with a recommendation to the Town Council.

Ms. Beuttenmuller felt the two recommendations should be voted upon separately. She also thought decisions could be rescinded if they were found not to be working as anticipated.

Mr. Christu inquired about the origins of the seating cap numbers. Ms. Hofmeister confirmed that the numbers were based on the Business Tax Receipts.

Public Comment

Anita Seltzer, 44 Cocoanut Row, thanked staff and the Corradino Group for providing the data. She shared her thoughts on the data presented and urged the Planning and Zoning Commission not to make a recommendation in haste.

Mr. Christu followed up on Ms. Seltzer's recommendation by asking Town Attorney O'Connor if extending the moratorium was possible. Ms. O'Connor stated she would not recommend an extension as it was already at thirteen (13) months, which was already a long time for a zoning-in-progress to be in effect. She stated that in today's Palm Beach Post, there was an opinion about Florida Senate Bill 180, which was recently adopted in the legislative session. It will become law once signed by the Governor. This bill was passed to bolster hurricane relief and recovery and enhance response efforts in Florida. It does have a provision that would prevent local governments in Florida from adopting more restrictive or burdensome amendments to their comprehensive plan or land development regulations or procedures regarding approvals of site plans, development permits, or development orders. This caused some consternation as "more restrictive or burdensome" is not defined in the Senate Bill.

Town Attorney O'Connor stated that the American Planning Association has spoken out in opposition, regarding unintended consequences. Still, the understanding now is essentially if passed and goes into law, it is retroactive to October 1, 2020, or to August 1, 2024. It would freeze local governments from making more restrictive or burdensome land development changes until October 1, 2027. This may affect your ability to adopt Ordinances due to the retroactivity. She explained that the Commission would recommend the Town Council adopt an Ordinance, which would be considered for first reading in July and second reading in August.

A motion was made by Mr. Sanchez and seconded by Mr. Spaziani to approve the recommendation to restrict loading operations in all districts during weekday peak hours, with the specific hours to be determined with the forthcoming parking and loading code study currently underway with Kimley-Horn and Associates. The motion was carried unanimously, 7-0.

A motion was made by Mr. Spaziani to proceed to placing a cap on restaurants. The motion failed for lack of a second.

There was discussion regarding the capacity of the number of seats and the time. Mr. Bergman cautioned against adopting an Ordinance with specific numbers.

Mr. Corradino stated that if the concept of the capacity or limit for no new seats during these periods was agreed upon, then staff could develop processes and procedures without codifying specific numbers.

A motion was made by Mr. Christu and seconded by Mr. Spaziani to defer the recommendation on point 1 from the Corradino Group regarding a potential prohibition on new food and beverage establishments before 5:00 PM to our next meeting. The motion passed unanimously, 7-0.

Mr. Christu suggested placing this item on the agenda for the next meeting, as a decision needs to be made this month.

Clerk's Note: Chair Coniglio returned to the dais for the rest of the meeting.

ANY OTHER BUSINESS

There was none.

MEETING SCHEDULE

6. The next meeting is scheduled on Thursday, June 26, 2025.

ADJOURNMENT

A motion was made by Mr. Spaziani and seconded by Mr. Sanchez to adjourn the Planning and Zoning Commission meeting at 11:17 AM. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: June 26, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building

James Murphy, AICP, Assistant Director of Planning, Zoning & Building

From: Jennifer Hofmeister, AICP, LCAM, Planner III

Re: Draft Work in Progress of Glossary of Terms

Date: 6/18/2025

ATTACHMENTS

Staff Report

Draft Work In Progress: Definitions and Rules of Construction to be Glossary of Terms

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Community Preservation

FUNDING

No Funding

No Fiscal Impact



At the May 6, 2025 Planning and Zoning Commission (PZC) meeting, staff was directed by the PZC to bring forward for discussion a draft of the Glossary Terms that will be made part of the updated Zoning Code. The attached draft Glossary of Terms is a work in progress and is extensive. The subject memorandum only touches upon the key takeaways from the May PZC meeting regarding definitions. The additions and deletions to the Zoning Code terminology that are detailed below include the following:

1. Added Town resident definition (revised from the comprehensive plan definition).
2. Revised definition of Commercial Use to incorporate the variations of town-serving, those being:
 - a. Town-serving
 - b. Town-serving office establishments
 - c. Town-service personal service establishments
 - d. Town-serving retail establishments
3. Defined Intensity.
4. Defined Floor Area Ratio.
5. Replaced Gross Leasable Area with Gross Floor Area as the measure of intensity.
6. Removed Cubic Content Ratio (CCR) from the R-B Low Density Residential District regulations. (moving to a professionally accepted methodology for residential development based on lot coverage, setbacks, height, and other regulations).
7. Replaced Special Exception Use with Conditional Use.
8. Added a definition of Waiver.
9. Amended definition of Variance.
10. Defined Hardship.

1. Town resident

Town resident means someone who has made the Town their permanent home, even if they are temporarily living elsewhere.

2. Commercial Use

Commercial use means those uses that include Town-serving office establishments, Town-serving personal service establishments and Town-serving retail establishments, as defined herein. use of land or structures thereon or portions thereof, for the purpose of conducting business, including the provision of goods and/or services, not otherwise identified under the definition of other generic uses, to the general public or segments thereof. For the purposes of this definition, timesharing, motel and/or hotel uses and occupancy of residential properties for periods of less than three months more frequently than three times per calendar year shall be considered commercial uses.

- a. Town-serving means establishments, principally oriented to serving the needs of townpersons ~~which would~~ and not substantially relying ~~upon~~ the patronage of persons not defined as townpersons of non-townpersons. Commercial Non-residential establishments which are not required to meet town-serving requirements of 3,000 gross square-foot ~~or less of gross leasable area~~ in the C-OPI, C-PC, C-TS and C-B zoning districts, and 4,000 gross square feet ~~or less of gross~~

~~leasable area~~ in the C-WA zoning district are assumed to meet the intent of the first part of this definition. Town-serving ~~commercial non-residential~~ establishments shall attract not less than the established percentage defined in the Zoning Code of their customers/ members/ clients from among townpersons.

- b. Town-serving office establishments means administrative offices and establishments principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons. Office services would include, but not necessarily be limited to providing such professional services as attorneys, doctors, insurance agents, real estate brokers, financial advisors, trust advisors, consultants, interior designers, architects, engineers, or similar office services.
- c. Town-serving personal service establishments means establishments principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons primarily engaged in the provision of services to individuals dealing with their personal needs. Personal services would include, but not necessarily be limited to, hairstyling or beauty services, tailor/dressmaker, travel agent, cleaning services, dance studio or similar personal services.
- d. Town-serving retail establishments means establishments that are principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons selling commodities or goods to ultimate consumers. Retail services would include, but not necessarily be limited to, clothing stores, retail specialty food stores (excluding restaurants), other general merchandise stores, or similar retail services.

3. Intensity

Intensity means the quantitative measure of how much a commercial use can be developed, measured by factors such as building square footage, land area, and bulk regulations, among other land development regulations.

4. Floor Area Ratio

Floor Area Ratio (F.A.R.) means the ratio of the Gross Square Footage of all buildings on a lot to the total lot area.

5. Replaced Gross leasable area (GLA) with Gross Square Footage (GSF)

Gross leasable area (GLA) means the sum of the gross horizontal area of all floors on one building, which are leased, rented or owned areas within a building, measured from the interior faces of exterior walls and from the interior faces of common interior walls, exclusive of common areas. For the purposes of this definition, the gross leasable area of a given use shall include all floor areas being used, advertised or operated under a single commercial use name which are adjacent to one another; or all floor areas being used, advertised or operated under a single commercial use name which are within 1,500 feet of one another; or all floor areas being used or operated under different commercial use names, but for which interior access between/among them is provided.

Gross Square Footage means the total area of a building, measured from the outer surface of the exterior walls. It includes all spaces within the building, regardless of whether they are usable or not, such as hallways, stairwells, and even exterior walls themselves.

6. Removed Cubic Content Ratio

Cubic content ratio (CCR) means a measure of land use intensity, expressing the mathematical relationship between the cubic content of a building and the unit of land. It is arrived at by dividing the gross cubic content, as calculated by multiplying building height as stated in the definition of the term "building, height of (applicable only in the R-B district)" in this section times exterior building width times exterior building depth of all structures by the gross area of the lot.

7. Replaced Special Exception Use with Conditional Use

Special exception. Special exception uses are allowable as conditional uses authorized in a zone only under the specific conditions specified in sections 134-227 through 134-233 and article III of this chapter and pursuant to the procedures in divisions 3 and 4 of article II of this chapter, but which use cannot be located in a zone as a matter of right and which may be revoked if any of the required conditions to approval and operation are violated.

Conditional use means uses which are allowed to be authorized in a zoning district only under the specific conditions specified in sections 134-227 through 134-233 and article III of this chapter and pursuant to the procedures in division 4 of article II of this chapter, but which use cannot be located in a zoning district as a matter of right and which may be revoked if any of the required conditions of approval and operation are violated.

8. Added a definition for Waiver

Waiver means a modification from the literal interpretation of this chapter, other than those sections relating to use requirements, subject to the procedures of division 4 of article II of this chapter **where there is not a hardship** as defined herein.

9. Amended definition of Variance

Variance means a modification from the literal interpretation of this chapter, other than those sections relating to use requirements, subject to the procedures of divisions 3 and 4 of article II of this chapter **where there is a hardship** as defined herein.

10. Hardship

Hardship means a restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

Sec. 134-2. Definitions and rules of construction.

- (a) *Rules of construction.* For the purpose of this chapter, the regulations are structured so as to be strictly permissive. As such, only those uses and structures which are specifically permitted in the Code of Ordinances are allowed. If there is no specific language in the Code which addresses a use or a structure, then said use or structure is not permitted.

The term "used for" shall include the term "designed for", the term "structure" shall include the term "building", the term "lot" shall include the terms "plot" or "tract", and the term "shall" is mandatory and not permissive.

In the interpretation or application of any provision of this chapter, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulations shall be controlling. **To be moved to Procedures**

ARTICLE 2 – GLOSSARY OF TERMS

- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A

~~*Accessory use or building or structure*~~ means a subordinate ~~use or~~ structure customarily incident to the principal ~~use or~~ structure located on the lot or located on a contiguous lot when a unity of title has been provided.

~~*Accessory use or building or structure*~~ means a subordinate use ~~or structure~~ customarily incident to the principal use ~~or structure~~ located on the lot or located on a contiguous lot when a unity of title has been provided.

~~*Acre*~~ means; ~~for the purpose of calculating dwelling units,~~ a unit of measurement for land, an area or parcel of land containing 40,000 43,560 square feet.

~~*Amendment*~~ means a revision, change, addition, or deletion in the text of this zoning code or a change in the zoning or district boundaries of the official zoning map.

~~*Alley*~~ means a ~~facility~~ road, ~~whether paved or unpaved~~, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

~~*Arcade*~~ means a line of arches along one or both sides, supported by pillars or columns, either freestanding or attached to a building. **Source: Illustrated Dictionary of Architecture.**

~~*Architectural Commission (ARCOM)*~~ means a Commission of the Town consisting of regular voting members and alternative members appointed by the Town Council. Responsibilities include reviewing and approving modifications to existing structures visible from public rights-of-way, new construction, and landscaping.

~~*Attic*~~ means non-habitable, unfinished space within the roof system of a building or structure with less than seven feet of head room, access by only pull-down, non-mechanical stairs and used only for storage, mechanical, or machinery use.

~~*Auto rental lot*~~ means a lot or parcel of land on which passenger automobiles for active rental purposes only are stored or parked.

~~*Awning, sidewalk*~~ means an awning that projects over a public sidewalk or walkway.

~~*Awning*~~ means an accessory structure either temporary or permanent which is supported by an open framework and is covered by cloth material a shelter projecting from and supported by the exterior wall of a structure constructed of non-rigid materials on a supporting framework.

Source: Illustrated Dictionary of Architecture.

B

~~*Banks and financial institutions* means establishments providing saving, lending, trust, and other financial services to the public. Banks and financial institutions shall include, but not necessarily be limited to, banks, brokers and brokerage firms, savings and loan associations, mortgage companies, loan offices, credit unions, and trust companies.~~

Bar/lounge means an establishment devoted to the serving of dispensing alcoholic beverages for on-site consumption primarily in which the service of food is only incidental to the consumption of such beverages.

~~*Basement* means floor area situated under a building, such floor area having exterior perimeter walls and having a floor level two or more feet below the level of the contiguous exterior ground outside of the building and having one half or more of its floor-to ceiling height below the average level of all of the exterior ground of the lot comprising the subject building development site. For additional regulations and the exceptions to the regulations of basements see sections 134-1608, 134-1609 and 134-1611. See also *sub-basement*.~~

Basement means that portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, as it is not used as a habitable room. **Source: A Planners Dictionary Planning Advisory Service (PAS) American Planning Association (APA).**

Beach house means a permanent structure which may contain a bathroom and other rooms, but not a kitchen or any sleeping rooms, and not used as a dwelling unit.

Best management practices (BMP's) means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies, and protecting natural resources. (See Article IX).

Building. See *Structure*. A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons or chattels. **Source: A Planners Dictionary PAS APA.**

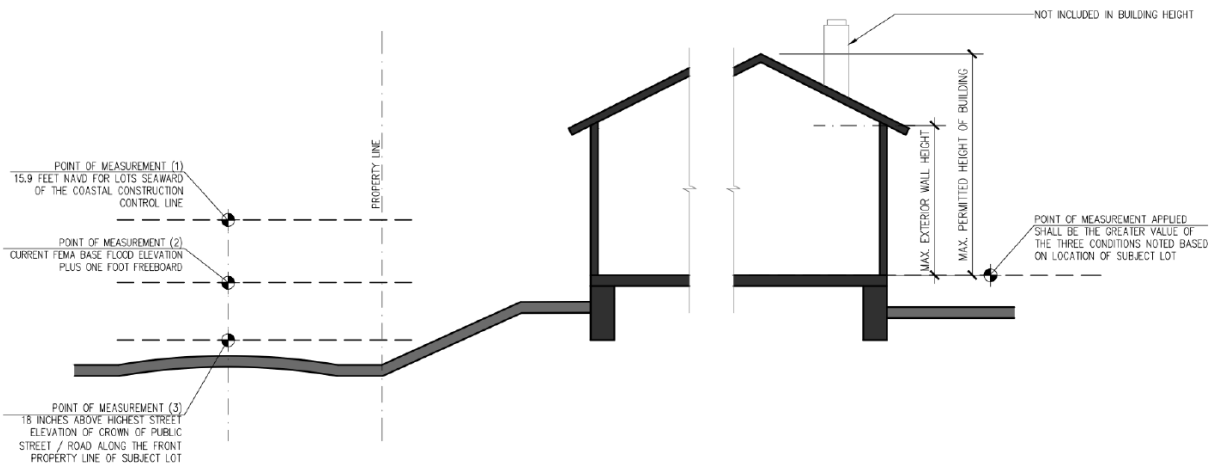
~~*Building angle of vision* means a line drawn from the front yard property line as determined in section 134-1636(2) 50 degrees either side of a line drawn perpendicular or radial to the front yard property line.~~

Building, height of means the maximum height of the building measured from the point of measurement to the highest point of the roof system. It excludes chimneys, skylights, spires, cupolas, and similar architectural features that are usually carried above the roof level and not used for human occupancy. provided that each of the features shall be erected only to such height and size as is necessary to accomplish the purpose it serves. The height of the outside exterior walls is measured from the point of measurement to the point at which the outside wall meets the horizontal eave of the roof or the bottom of a parapet wall. The lowest habitable finished floor elevation shall be at or above the point of measurement applicable to the subject lot.

The building height point of measurement (zero datum) shall be the greater of the following conditions as applied to the location of the subject lot:

- (1) For lots in the Special Flood Hazard Area, and not seaward of the CCCL, the point of measurement shall be at the current FEMA base flood elevation plus one foot of freeboard.
- (2) For lots seaward of the Coastal Construction Control Line (CCCL), the point of measurement shall be 15.9 feet NAVD (13.9 feet NAVD plus two feet above the lowest horizontal structural member).

- (3) For lots outside the Special Flood Hazard Area and lots that are not seaward of the CCCL, the point of measurement shall be a maximum of 18 inches above the highest street elevation of the crown of the public or private street or road, measured along the front property line of the subject lot.
- (4) For through lots and comer lots, the point of measurement (zero datum) related to the crown of the abutting public or private street, shall be measured only along the street with the primary entrance for the proposed building on the subject lot.



15

Building height plane means a height limiting plane extending at an inclined angle from the intersection of the front yard property line as determined in section 134-1636(2) and the zero datum as defined in "height of building" and "overall height of building", or the minimum floodplain elevation as established in chapter 50 of this Code, whichever is higher.

Building line means the line, established by law, beyond which a building shall not extend, except as specifically provided by law.

Building, overall height of includes the height of a building, as defined in the definition of the term "building, height of (applicable to all districts except the R-B districts)"; the definition of the term "building, height of (applicable only in the R-B district)"; the definition for the term "building, height of, corner lot"; the definition of "building, height of, through lot"; and the definition of "building, height of, lot abutting low streets," plus the vertical distance from the building height to the highest point of the building's roof system.

Business services means establishments providing support services to other business concerns. Business services would include, but not necessarily be limited to, print shops, secretarial services, travel agents, drafting services, and advertising agencies, etc.

Bulkhead means a vertical, manmade structure built along a shoreline to protect the land from erosion. **Source: National Park Service**

Bulkhead line means, for the purposes of this chapter, a line shown on the official map series of the Town's Comprehensive Plan that establishes the line of mean high water. There shall be no filling seaward of the line of mean high water except upon compliance with this chapter.

DRAFT WORK IN PROGRESS

Business Tax Receipt means a tax levied upon all businesses within the municipal boundaries. Payment of the tax receipt does not certify or imply the competence of the licensee.

C

Cabana (pool house) means an accessory structure usually used in connection with outdoor bathing, providing enclosed space for showering or changing clothes, with recreational cooking and/or bar facilities, but no sleeping rooms.

Cannabis cultivation means a use of any property, in whole or in part, including inside buildings, for the growing or cultivation of Cannabis plant(s), whether or not such growing or cultivation is lawful under federal or state law.

Carport means an unenclosed accessory structure for the sheltering of an automobile(s).

~~*Change in generic use* means the change in the use of a parcel or structure thereon or portion thereof from one generic category of use to another, but not including a change of activity within a generic use category.~~

Club, private means buildings and/or facilities, not open to the general public, owned and operated by a corporation or association of persons for social or recreational purposes for members and their bona fide guests and which may render, as an accessory use, services that are customarily carried on as a business. Within residential zoning districts, a private club may provide living quarters for its bona fide employees only.

Coastal Construction Control Line (CCCL) means a jurisdictional boundary, not a setback line, established by the Florida Department of Environmental Protection (FDEP) that defines the area where the FDEP regulates construction and other activities that could impact the beach and dune system. Florida Administrative Code Rule 62B-26.010 specifically details the CCCL for Palm Beach County and provides the legal description of Palm Beach County Coastal Construction Control Line pursuant to Section 161.053, F.S. **Source: FDEP**

Code Enforcement Board means a Board of the Town consisting of regular voting members and alternative members appointed by the Town Council. Responsibilities involve hearing cases involving violations of the Town Code and ordinances and imposing administrative fines or other non-criminal penalties for pending or repeated violations.

Colonnade means a combination or grouping of columns placed at regular intervals and arranged with regard to their structural or ornamental relationship to the building. They can be aligned either straight or arced in a circular pattern. **Source: Illustrated Dictionary of Architecture.**

Column means an architectural support of definite proportions, usually cylindrical in shape with shaft, capital and sometimes a base. May be free-standing or attached to a wall. **Source: Illustrated Dictionary of Architecture.**

~~*Common open space* means that area of a development site which is unencumbered by buildings, other structures, driveways for vehicular access, or automobile parking areas and storage. This area shall include all yard areas as well as those other open land areas located within the planned unit development site.~~

Commercial use means ~~those uses that include Town-serving office establishments, Town-serving personal service establishments and Town-serving retail establishments, as defined herein. use of land or structures thereon or portions thereof, for the purpose of conducting business, including the provision of goods and/or services, not otherwise identified under the definition of other generic uses, to the general public or segments thereof. For the purposes of this definition, timesharing, motel and/or hotel uses and occupancy of residential properties for periods of less than three months more frequently than three times per calendar year shall be considered commercial uses.~~

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Comprehensive plan means a document that provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. It is not intended to include the regulations that are found in the zoning code, but rather to require identification of Goals, Objectives and Policies that promote the vision of a community, which are then implemented through the Code and other regulating documents.

Conditional use means uses which are allowed to be authorized in a zoning district only under the specific conditions specified in sections 134-227 through 134-233 and article III of this chapter and pursuant to the procedures in division 4 of article II of this chapter, but which use cannot be located in a zoning district as a matter of right and which may be revoked if any of the required conditions of approval and operation are violated. (Under staff review, Formerly Special Exception Use)

Cubic content ratio (CCR) means a measure of land use intensity, expressing the mathematical relationship between the cubic content of a building and the unit of land. It is arrived at by dividing the gross cubic content, as calculated by multiplying building height as stated in the definition of the term "building, height of (applicable only in the R-B district)" in this section times exterior building width times exterior building depth of all structures by the gross area of the lot.

D

Declaration of use means a town agreement signed under oath and recorded against the title of land in order to provide notice that the use of the land or structure is subject to certain limitations and/or conditions of approval, which unless otherwise determined by the town council, shall include provisions for remedies for violation of said limitations, conditions of approval and/or the Code of Ordinances and that the use will remain in compliance with the limitations in the Code of Ordinances and conditions of approval by the submittal of a certificate of compliance each year.

Density means an objective measurement of the number of residential units allowed per unit of land.

Development order means any action granting, denying, or granting with conditions an application for a development permit. Source: A Planners Dictionary PAS APA.

Dining room means any building or part thereof or any room or part thereof in which food is dispensed or served for profit or gratis to a restricted and limited clientele consisting of tenants and residents of the same premises and their bona fide guests, and private club members and their bona fide guests.

Dish antenna, television and communication means an accessory structure consisting of a satellite earth station designed to receive television or other broadcasts relayed by microwave signals from earth-orbiting communications satellites.

Distribution electric substation means an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size. Asked PW for input

Dock means an unenclosed accessory structure built a landing pier for boats supported by on-piling over the water, which is designed or used to provide dockage for and access to one or more boats and which may have davits, vertical lifts, gates, water and electrical service, other similar public utility services and additional accessory uses customarily incident to a dock, such as but not limited to storage chests and low intensity lighting approved by the town and installed

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~~in a manner as to not have an adverse effect upon adjacent properties.~~ **Source: A Planners Dictionary PAS APA.**

Dormer means a structure projecting from a sloping roof, usually housing a vertical window that is placed in a small gable, or containing a ventilating louver. **Source: Illustrated Dictionary of Architecture.**

Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. **Source: A Planners Dictionary PAS APA.**

~~*Drive-in use* means an establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive goods or services in that dispenses products or services to patrons who remain in their motor vehicles.~~ **Source: A Planners Dictionary PAS APA.**

Dwelling means a building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, mobile homes, hotels, motels, motor lodges, boardinghouses and lodginghouses, tents, tourist courts or tourist homes.

Dwelling (accessory) means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

~~*Dwelling, multiple or multifamily, commonly known as an apartment house,* means a building or portion thereof used or designed as a residence for three or more families living independently of each other, having individual living units with each unit having cooking facilities and containing a living room and/or one or more bedrooms.~~

Dwelling, single-family means a detached building designed and used exclusively for residential purposes by one family.

~~*Dwelling, townhouse* means an attached building, not over two stories in height, which is designed for or occupied exclusively by one individual or family and attached to two or more other buildings of similar design and in which each dwelling unit is separated from adjacent dwelling units by party walls extending vertically from the ground upward through the roof in a manner so that there shall be no interconnection of or overlapping between any part of individual dwelling unit walls, floors, roofs, basements or other portions of the building structure, and in which each dwelling unit shall have separate and individual sewer, water and public utilities connections. Townhouses may or may not be located on land belonging exclusively to the individual dwelling unit owner a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.~~

Dwelling, two-family means a detached building designed and used exclusively for residential purposes by two families living independently of each other.

Dwelling unit (D.U.) means a room or group of rooms designed, used exclusively or occupied as separate living quarters by a single family.

E

Erosion Control Line (ECL) means the line determined in accordance with the provisions of ss. 161.141-161.211, Florida Statutes which represents the landward extent of the claims of the state in its capacity as sovereign titleholder of the submerged bottoms and shores of the Atlantic Ocean, the Gulf of Mexico, and the bays, lagoons and other tidal reaches thereof on the date of the recording of the survey as authorized in s. 161.181, Florida Statutes.

Employee means any person generally working on site for the establishment and includes sole proprietors, partners, limited partners, corporate officers and the like.

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Essential services means public utility facilities related to water supply, telephone, cable television, gas and electrical distribution systems, town-owned town-operated services such as sanitary sewer, stormwater drainage and solid waste collection and disposal systems, and town-owned municipal buildings and structures, including any necessary appurtenant structures serving the town, but not including buildings housing employees.

~~*Executive/employee/group vacation retreat* means simultaneous use or occupancy of a dwelling unit by a group of individuals other than a family.~~

~~*Executive office suites* means a tenant space shared by separate office and professional services, each of which has a fixed desk. The executive office suite and each office and professional service business within said suite is licensed and has a fixed desk for each employee.~~

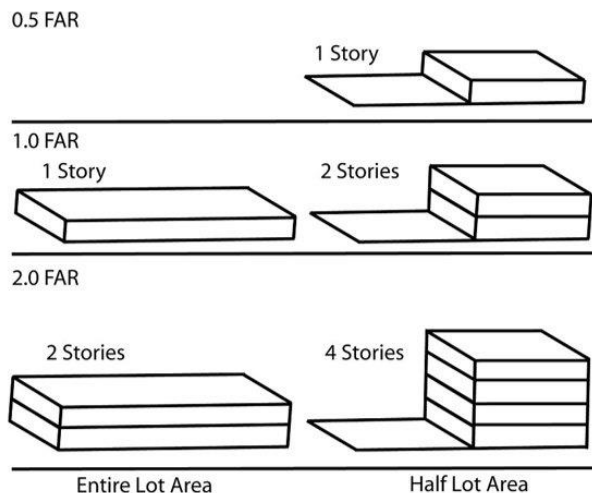
F

Facade means that portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation. **Source: A Planners Dictionary PAS APA.**

Family means an individual; or two or more persons related by legal adoption, blood, or a licit marriage; or a group of not more than three persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

~~*Floor area total* means the sum of the gross horizontal area of all the floors of a building, except a basement or subbasement as defined, measured from the exterior faces of exterior walls and/or supporting columns.~~

Floor Area Ratio (F.A.R.) means the ratio of the Gross Square Footage of all buildings on a lot to the total lot area.



Formula restaurant means a restaurant that is one of a chain or group of three or more restaurants in the nation, and which satisfies at least two of the following three descriptions:

- (1) It has the same or similar name, trade name, or trademark as others in the chain or group;
- (2) It has standardized and limited menus, ingredients, food and beverage preparation;
- (3) It offers any of the following characteristics in a style that is distinctive to and standardized among the chain or group:
 - a. Exterior design or architecture;

- b. Interior design; or
- c. Uniforms, except that a personal identification or simple logo will not render the clothing a uniform.

Foster care facility means a facility, licensed or funded by the state department of children and family services, housing foster residents and providing a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

Frontage means all the property on one side of a street or place between two intersecting streets or places measured along the line of the street or place, or, if the street or place is dead-ended, all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

G

Garage, private means a building or space used as an accessory to or part of a main building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage, storage means any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

Generic use is the broad description for the use of a parcel or structure or portion thereof. There are but three generic uses in the town: residential, commercial and public/private group use.

Goal means the long-term end toward which programs or activities are ultimately directed.

~~Gross leasable area (GLA) means the sum of the gross horizontal area of all floors on one building, which are leased, rented or owned areas within a building, measured from the interior faces of exterior walls and from the interior faces of common interior walls, exclusive of common areas. For the purposes of this definition, the gross leasable area of a given use shall include all floor areas being used, advertised or operated under a single commercial use name which are adjacent to one another; or all floor areas being used, advertised or operated under a single commercial use name which are within 1,500 feet of one another; or all floor areas being used or operated under different commercial use names, but for which interior access between/among them is provided.~~

Gross Square Footage means the total area of a building, measured from the outer surface of the exterior walls. It includes all spaces within the building, regardless of whether they are usable or not, such as hallways, stairwells, and even exterior walls themselves. **Source: A Planners Dictionary PAS APA.**

Group home means a facility, licensed or funded by the state department of children and family services, providing a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents.

H

Habitable space means space in or on a structure used or intended to be used for occupancy, for living, sleeping, lounging, eating, cooking or recreation. Finished or unfinished floors above the maximum number of stories allowed containing an elevator, permanent or mechanically operated stairs and seven feet or more of head room shall be considered habitable space. Closets, hallways, storage rooms, attics, machinery rooms, mechanical equipment rooms, utility space and similar areas shall not be considered habitable space.

Hardship means a restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

Historically or architecturally significant multifamily structure means a structure designated by the town council as an historic or architecturally significant structure and which is proposed for conversion to a multifamily structure under a PUD-4 application.

Hotel/motel means an establishment which provides, for pay, lodging and other services to transient and semipermanent residents. A hotel provides meals, convenience shops, entertainment, lounges and recreational facilities as well as maid, laundry, valet, telephone, desk, limousine and other personal services. A hotel may consist of one or more buildings and/or accessory buildings.

~~House of worship means a structure owned and/or utilized by a religious organization for worship, religious training or education. A house of worship, for the purposes of this chapter, may include, in addition to the principal structure, accessory structures and/or dwelling units for religious organization personnel located within an accessory structure which is utilized primarily for religious training or educational purposes. (See Places of Worship)~~

I

Impact fee means are one-time charges imposed on developers to help fund infrastructure and public services needed to support new development.

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Impervious area means any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas. **Source: A Planners Dictionary PAS APA.**

Improvement means is any positive permanent change to land that augments the property's value. An improvement will cause positive change to the land, increase the value, and will allow the landowner to make productive use of the property. **Source: Cornell Law School Legal**

Information Institute

Institution means public and public/private group use of a nonprofit nature typically engaged in public service, e.g., ~~houses~~ places of worship, nonprofit cultural centers, charitable organizations.

Intensification of use means for the purposes of this chapter, increased tenant square footage, increased seating, increased off-street parking demand, and increased hours of operation.

Intensity means the quantitative measure of how much a commercial use can be developed, measured by factors as building square footage, land area, and bulk regulations, among other land development regulations.

Internal trip capture means trips generated by a mixed-use project that travel from one onsite land use to another onsite land use without using the external road network. **Source: Chapter 163 Florida Statutes**

J

Jetty means an artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a shoreline area from storm waves. **Source: A Planners Dictionary PAS APA.**

Jurisdiction means the official authority to make decisions and judgments.

K

L

Land development regulations means any zoning, subdivision, building, and other regulations controlling the development of that affects the use, density, or intensity.

Landmarks Preservation Commission means a Commission of the Town consisting of regular voting members and alternative members appointed by the Town Council.

Responsibilities involve safeguarding the Town's historic and cultural resources through its land marked structures and historic districts. The Landscaped open space means open space which is covered and maintained with natural growth in a permeable soil.

Landscaping, required means landscaping that shall consist of those plantings required by this chapter, including beautification strips, hedges, trees, planted ground cover, sodded and grassed areas and planted floral installations, all of which must be composed of natural plantings only as distinguished from artificial manufactured planting reproductions.

Lattice means a network of bars, straps, rods, or laths crossing over and under one another, resulting in a rectangular or diagonal checkered pattern which may be varied by the widths of the banks and the spacing of the members. **Source: Illustrated Dictionary of Architecture.**

Level of service (LOS) standard means a measure of the relationship between service capacity and service demand for public facilities.

Level of service (traffic) means a measure of the operational performance of a road link or intersection based on a ratio of volume to capacity (V/C) and identified by a declining letter scale (A-F).

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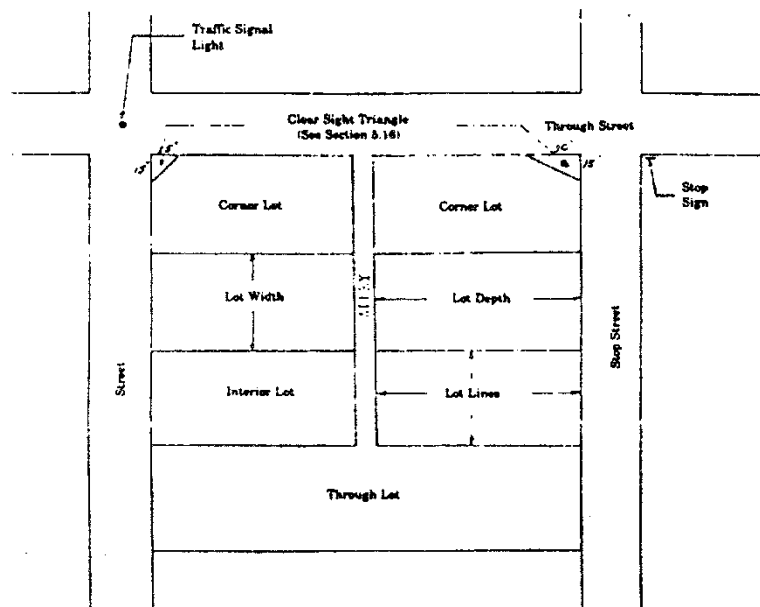
Loading Zone means an unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise. **Source: A Planners Dictionary PAS APA.**

Logo means a graphic representation, letter, character, symbol, trademark, design or crest or combinations thereof used to identify a business or organization.

Lot means a parcel of land, vacant or occupied. For the purpose of this chapter, the word "lot" shall be taken to mean any number of contiguous lots of record or unplatted parcels of land or portions thereof not separated by a street or public way, upon which one or more principal structures for a single use are erected or are to be erected.

When the lot is situated immediately adjacent to the ocean front, for the purpose of this chapter, the east lot line shall be the town's bulkhead line as provided in chapter 62 of this Code or the mean high water line, whichever is most westerly. When the lot is situated immediately adjacent to the waters of Lake Worth, the west lot line shall be the existing bulkhead wall or mean high water line, whichever is most easterly. The exception to this definition is that town-owned or town-leased property is exempt from this definition. The following is an illustration of this definition:

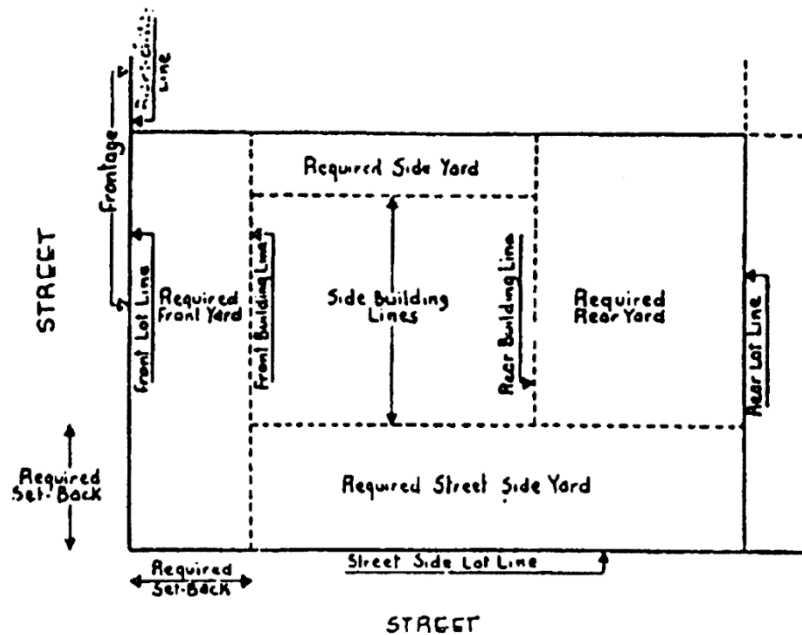
Lot Definitions—General **Replace with better image**



Lot, corner means a lot abutting upon two or more streets at their intersection. which is illustrated as follows: **Replace with better image**

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Yard Definitions—Corner Replace with better image

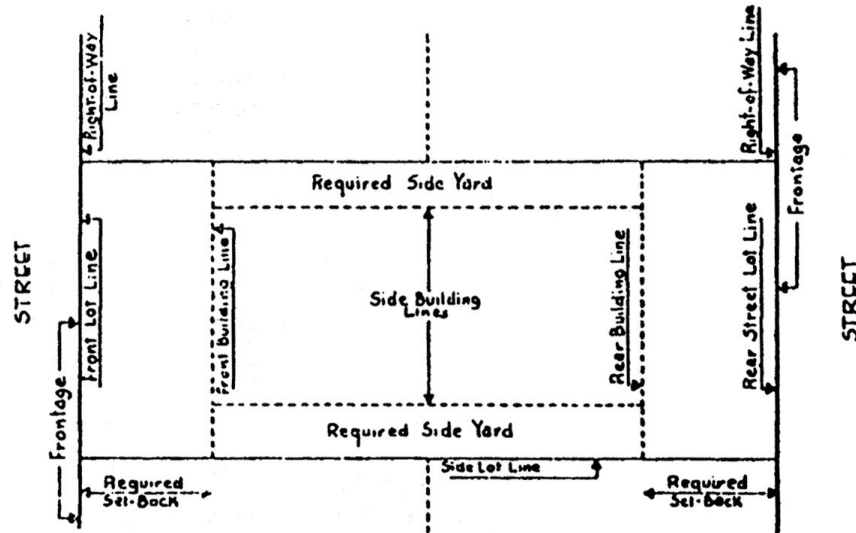


~~Lot coverage means that percentage of the lot area covered or occupied by the buildings or any part of the buildings, excluding therefrom any projections permitted to extend into yard areas elsewhere by this chapter.~~

Lot coverage means a measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt. Source: A Planners Dictionary PAS APA.

Lot depth means the distance from the midpoint of the front lot line to the midpoint of the mean rear lot line.

Lot, interior means a lot other than a corner lot having frontage on one street, illustrated as follows:



Lot width means the distance measured along the front building line between the side lot lines of a lot.

M

Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or panels, and which is built on a frame and designed to be used as a dwelling with a permanent foundation and connected to all required utilities and may include plumbing, heating, air conditioning, and electrical systems contained therein. If fabricated after June 15, 1976, each section shall bear a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards.

Marijuana shall mean all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis as defined in F.S. § 381.986(1)(f), which are dispensed from a medical marijuana treatment center for medical use by a qualified patient pursuant to F.S. § 381.986.

Mean high water means the average height of the high waters over a 19-year period. For shorter periods of observation, “mean high water” means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value. **Source Chapter 177, Florida Statutes**

Mean high-water line means the intersection of the tidal plane of mean high water with the shore. **Source Chapter 177, Florida Statutes**

Medical marijuana dispensary means a facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal, and state laws. Physicians authorized by state law to order low-THC cannabis, as defined in Florida Statutes, for qualified registered patients' medical use are not included in the definition of medical marijuana dispensary.

Medical marijuana treatment center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualified registered patients or

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their personal caregivers and is registered by the state department of health and regulated under chapter 134 of the Town Code of Ordinances.

Mobility fee means a local government fee schedule established by ordinance and based on the projects included in the local government's adopted mobility plan. **Source: Chapter 163 Florida Statutes**

Mobility plan means an alternative transportation system mobility study developed by using a plan-based methodology and adopted into a local government comprehensive plan that promotes a compact, mixed use, and interconnected development served by a multimodal transportation system in an area that is urban in character, or designated to be urban in character, as defined in s. 171.031. **Source: Chapter 163 Florida Statutes**

Municipally owned or operated refers to the town.

Museum means an institution for collecting, preparing, and exhibiting rare, interesting, or typical specimens of works of art, science, invention, manufacturers, etc., or of antiquities, curiosities; or objects of natural history; also, the collection of such articles or their repository.

N

Nightclub means an establishment dispensing alcoholic beverages for on-site consumption, whether or not food is served, and which is a place of entertainment that is usually open late at night, offering live music, dancing, drinks, and a floorshow:

- (1) By one or more performing artists;
- (2) By one or more live entertainers singing to prerecorded music or
- (3) A deejay playing recorded music;

provided, however, that a restaurant that provides only background dinner music, or entertainment, or where dancing is conducted to live or recorded music does not constitute a nightclub.

Nonconforming building ~~or structure~~ means a building ~~or structure~~ lawfully in existence on the effective date of the ordinance from which this chapter is derived that does not conform to the regulations contained in this chapter for the zoning district in which the building ~~or structure~~ is situated.

Nonconforming land means a parcel of land lawfully in existence on the effective date of the ordinance from which this chapter is derived that does not conform to the regulations contained in this chapter for the zoning district in which the land is situated.

Nonconforming use means a use lawfully in existence on the effective date of the ordinance from which this chapter is derived that does not conform to the regulations contained in this chapter for the zoning district in which the use is situated.

Nonprofit cultural center means an institution for promoting education and the refinement of taste, intellectual and/or aesthetic matters, not including museum uses, operated without profit.

O

~~*Office and professional services* means administrative offices and establishments providing professional services such as lawyers, doctors, insurance agents, real estate brokers, consultants, interior designers, architects, and engineers.~~

~~*Office, veterinarian* means an establishment which provides medical and surgical care for animals, and may provide overnight facilities.~~

Objective means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

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Open space means that area of a lot which is unencumbered by buildings, ~~other~~ structures, driveways, or automobile parking areas, except for garden walls and fences as provided in this chapter.

Outdoor cafe seating is the placing or locating of furniture outdoors, including tables, chairs, and umbrellas, adjacent to a business licensed as a restaurant dining room, retail specialty food including the sale of prepared foods for takeout only, or private, ~~social, swimming, golf, tennis or yacht clubs, with the purpose of providing outdoor seating.~~

Outdoor promotional events means events sponsored and managed by a property owner ~~where the event is to be held in the C-TS, C-WA or C-PC Zoning District for the purpose of providing a public event or promoting business on said private property. Such event shall be limited in scope and size by special exception approval by the town council and the criteria as set forth in section 134-2115 of this Code.~~ **Under review by staff.**

P

Parapet wall means ~~a low wall to protect the edge of that portion of a wall which extends above the roof line.~~

Parking lot, public or private means an open area or plot of land used for the storage or parking of motor vehicles to provide off-street parking, either for profit or gratis, for commercial or residential uses, other than single-family.

Parking, principle of equivalency, as it relates to a method of establishing an inventory of required off-street parking spaces for a conforming or nonconforming use of an existing building, or structure for the purpose of determining the net off-street parking requirement for the establishment of a proposed new use to be permitted in the existing building or structure, is based on the "schedule" in section 134-2176.

Parking, required means those parking facilities determined as the minimum facilities necessary to comply with this chapter as set forth in the schedule of off-street parking requirements.

Parking, supplemental means those parking facilities provided as a permitted or special exception and which are in addition to existing required parking as set forth in the schedule of off-street parking requirements. Supplemental off-site parking in an underground garage or surface, enclosed, partially enclosed, or a rooftop parking facility that is a permitted use in the C-TS, C-WA and C-OPI zoning districts is not required to be parking that is in addition to what is required in the schedule of off-street parking requirements in the code. This definition will sunset on March 13, 2024 and revert back to the definition prior to the adoption of Ordinance Nos. 1-2021 and 20-2021 unless extended or modified by the town council.

Pergola means an open, accessory structure comprised of a ~~structural framework open framed roof, over an outdoor area usually often~~ lattice and supported by regularly spaced posts or columns covered with climbing shrubs or vines to shade a walk or passageway. **Source: Illustrated Dictionary of Architecture.**

Personal service establishments ~~means establishments primarily engaged in the provision of services to individuals dealing with their personal or immediate effects. Personal services would include, but not necessarily be limited to, hairstyling or beauty services, tailor/dressmaker, travel agent, cleaning services, interior decorator services, dance studio or similar personal instruction services.~~

Pervious area means an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground. **Source: Source: A Planners Dictionary PAS APA.**

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Places of worship means a building, together with its accessory buildings and use, owned and/or utilized by a religious organization for prayer, religious training and/or religious education.

Planning and Zoning Commission means a Commission of the Town consisting of regular voting members and alternative members appointed by the Town Council. Responsibilities including acting in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The commission is required to follow the concepts and contents of the town's comprehensive plan in all deliberations and decisions.

Plat means a map or plan, prepared by a registered surveyor or engineer, prepared in compliance with this chapter that delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

Policy means the way in which programs and activities are conducted to achieve an identified goal.

Porch means a roofed entrance, either incorporated in a building or as an applied feature on the exterior of a building. [Source: Illustrated Dictionary of Architecture.](#)

Project Designation Manual & Matrix (ARCOM and/or LPC) means documents adopted by resolution of Town Council which group varying types of development and design review applications into categories to assist applicants and staff in determining the level of review (e.g. administrative, major, minor, neighbor consent, chairperson review, etc.) required for certain projects or applications; as amended from time to time by the Town Council.

Proportionate fair share means a developer's contribution is proportionate to the traffic their project generates, ensuring they only pay their fair share towards addressing the added burden on the transportation network.

Public/private group use means use of land or structures thereon or portions thereof for public structures, governmental operations, education, essential services, recreation and cultural amenities generally beneficial to the public health, safety and general welfare of the town's residents.

Public structures means municipally owned and/or operated structures used for public purposes such as, but not limited to, administrative offices, recreational buildings, police and/or fire stations and other public safety facilities.

Q

Quasi-commercial means any activity that would seemingly or to some degree be normally considered commercial in nature.

R

Rear height plane means a height limit of a building in the R-B district as measured by the maximum overall height permitted on the abutting lot to the rear. When a lot abuts more than one lot to the rear, an average maximum overall height will be used to establish the rear height plane.

Residential use means use of land or structures thereon or portions thereof for residential occupancy of a permanent or semipermanent nature with an intended occupancy period, by any one individual or family, with or without bona fide nonpaying guests, of not less than three months; except that residential uses may be occupied by any one individual or family for periods of less than three months not more frequently than three times per calendar year; and except that this definition does not include occupancy of a transient nature such as in hotel, motel or timesharing uses.

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Restaurant means every building or part thereof and all accessory buildings used in connection therewith or any place or location kept, used or maintained as, advertised as or held out to the public to be a place where meals and foodstuffs are prepared and served.

Retail establishments means establishments selling commodities or goods to ultimate consumers.

Incorporate images of each roof style

Roof means A structural covering over any portion of a building or structure, including projections beyond the walls or supports of the building or structure. Source: A Planners Dictionary PAS APA.

Roof (flat) means roof having a pitch of not more than 1.5 inches in 12 inches. Source: Source: A Planners Dictionary PAS APA.

Roof (gabled) means A roof that slopes downward in two opposite directions from a central ridge. Source: Illustrated Dictionary of Architecture.

Roof (gambrel) means a roof with two pitches on each side. Source: Illustrated Dictionary of Architecture.

Roof (hip) means a roof with slopes upward from all four sides of a building, requiring a hip rafter at each corner. Source: Illustrated Dictionary of Architecture.

Roof (mansard) means a roof with a steep lower slope and a flatter upper slope on all sides, either of convex or concave shape. Source: Illustrated Dictionary of Architecture.

Sign, illuminated means a sign which is lighted by electrical lighting installed thereon or therein or lighted by remotely located lights or that is produced and/or displayed by means of artificial projected light or lighted by reflected light.

Sign, individual business means a flat wall-mounted identification sign permitted for each individually town-licensed business with street or parking lot frontage and having direct ground level walk-in access from a public or private roadway, sidewalk, or parking lot in a commercially zoned district. *Sign, institutional* means a sign for building identification of schools, colleges, museums, libraries, houses of worship, or other institutions of a similar public or semipublic nature.

Sign, menu means a restaurant or take-out food establishment wall or pedestal mounted sign which identifies the menu and prices within said establishment.

Sign, official traffic means a sign placed or erected by a municipal, county, state, or federal governmental agency as a regulatory, aid-to-traffic or informational sign, in connection with control of vehicular or pedestrian traffic over a bridge, roadway, pathway or sidewalk.

Sign, property identification yard means a detached and freestanding identification sign for a Commercial zoned property supported on a monument, pillar or similar supporting structure.

Sign, sale or rental means a temporary sign advertising the sale or rental of the premises upon which it is placed or erected by the owner or broker or any other person interested in the sale or rental of the premises.

Sign, tow-way means a sign which provides notice as required by Florida Statute for any property owner, lessee, or person authorized by a property owner or lessee to tow or remove any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel.

Sign, yard means a detached and freestanding identification sign supported on a pole or similar supporting structure. **The entire Sign Code will be reviewed and updated.**

~~*Special exception.* Special exception uses are allowable as conditional uses authorized in a zone only under the specific conditions specified in sections 134-227 through 134-233 and~~

DRAFT WORK IN PROGRESS

article III of this chapter and pursuant to the procedures in divisions 3 and 4 of article II of this chapter, but which use cannot be located in a zone as a matter of right and which may be revoked if any of the required conditions to approval and operation are violated.

Special exception structure means a structure approved as a special exception subject to sections 134-227 through 134-233, 134-897, 134-952, 134-1008, 134-1063, 134-1115, 134-1165 and 134-1214. **Under review by staff.**

Statue or sculpture means an object which is fashioned, shaped and formed by hand or machine into a work of art, including but not limited to contemporary, modern, classical and/or abstract design, and that may or may not be a likeness of a person or thing.

Story means that portion of a building, other than an attic, included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between such floor and the ceiling next above it. Habitable space, open patios, accessible roof decks not used exclusively for mechanical equipment, observation decks and/or similar areas located above the first or second story shall be considered a story for the purpose of this definition.

Street means a facility, either public or private, that affords the primary access to abutting property and that is intended for general traffic circulation. A street includes the entire area between street lines (right-of-way lines), including provisions for culs-de-sac.

Street line means the line between the street and abutting property. Also referred to as right-of-way line.

Structural alteration means any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, or the rearrangement of any interior partitions affecting more than 50 percent of the floor area of the building.

Structure means anything that which is constructed, placed or erected on land, submerged land or over water, the use of which requires permanent or temporary location on the land, submerged land or over water, or attachment to something having permanent or temporary location on or over the land, submerged land, or water.

Structure, principal means a main and foremost building or structure located on a lot and in which is conducted the main and foremost use of the lot on which the building or structure is situated.

Structure, public means anything constructed, placed or erected on land, submerged land or over water by a Federal, State, County, City of West Palm Beach and City of Lake Worth Beach governmental entities, the use of which requires permanent or temporary location on the land, submerged land or over water, or attachment to something having a permanent or temporary location on or over the land, submerged land, or water.

Sub-basement means a facility that is located underground and does not exceed in height the lowest point of the public sidewalk abutting the property or, alternately, the lowest point of the public street if there is no public sidewalk and no portion which is located beyond the confines of the outer walls of the main building located above ground level. For additional regulations and the exceptions to the regulations of sub-basements see sections 134-1610, 134-1611 and 134-2179. **Under review by staff.**

Subdivision means the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. **Source Chapter 177 Florida Statutes**

I

DRAFT WORK IN PROGRESS

Timesharing use means the use of any unit under which the exclusive right of use or occupancy of the unit for a period of less than three months circulates among various occupants in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by such schedule. ~~Such a use is permitted in the town only by special exception in the C-OPI, C-PC, C-B and R-D(2) zoning districts.~~

Townperson means ~~all full-time and seasonal~~ Town residents as well as visitors staying at accommodations, in, or ~~and~~ employees working in establishments located within the town.

Town resident means someone who has made the Town their permanent home, even if they are temporarily living elsewhere.

~~*Town-serving* means establishments principally oriented to serving the needs of townpersons which would not substantially rely upon the patronage of persons not defined as townpersons. Town-serving establishments, by definition, would typically contain 4,000 or less square feet of interior gross leasable area (GLA) in the C-WA district, 3,000 or less square feet of interior GLA in the C-TS and C-B districts and 2,000 or less square feet interior GLA in the C-PC district. Establishment would also not engage in advertising designed to attract other than townpersons.~~

Town-serving means establishments, principally oriented to serving the needs of townpersons ~~which would~~ and ~~not substantially relying upon the patronage of persons not defined as townpersons of~~ non-townpersons. Commercial Non-residential establishments which are not required to meet town-serving requirements of 3,000 gross square feet or less of gross leasable area in the C-OPI, C-PC, C-TS and C-B zoning districts, and 4,000 gross square feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition. Town-serving commercial non-residential establishments shall attract not less than the established percentage defined in the Zoning Code of their customers/ members/ clients from among townpersons.

Town-serving office establishments means administrative offices and establishments principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons. Office services would include, but not necessarily be limited to providing such professional services as attorneys, doctors, insurance agents, real estate brokers, financial advisors, trust advisors, consultants, interior designers, architects, engineers, or similar office services.

Town-serving personal service establishments means establishments principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons primarily engaged in the provision of services to individuals dealing with their personal needs. Personal services would include, but not necessarily be limited to, hairstyling or beauty services, tailor/dressmaker, travel agent, cleaning services, dance studio or similar personal services.

Town-serving retail establishments means establishments that are principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons selling commodities or goods to ultimate consumers. Retail services would include, but not necessarily be limited to, clothing stores, retail specialty food stores (excluding restaurants), other general merchandise stores, or similar retail services.

~~*Trellis* means an ornamental accessory structure of lattice work over which vines are trained, usually made of narrow strips of wood which cross each other at regular intervals.~~

Trellis means a structural frame supporting an open latticework or gating constructed to support plants or vines or left exposed. **Source: Illustrated Dictionary of Architecture.**

DRAFT WORK IN PROGRESS

Trip generation means Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system. **Source: Chapter 163 Florida Statutes**

Tip (vehicle) means A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one production end and one attraction end. **Source: Chapter 163 Florida Statutes**

U

Uniform Development Review Procedures means standardized set of guidelines and steps local governments use to evaluate and approve development applications, ensuring consistency, efficiency, and fairness throughout the process.

Use, principal means a main and foremost use of improved or unimproved property, such use established on the property and which may be within or without any building on the property.

V

Vacant land means any lot or parcel of land which is completely open, has no use associated with it or upon it and is not utilized as the required yard area for any adjoining uses.

Variance means a modification from the literal interpretation of this chapter, other than those sections relating to use requirements, subject to the procedures of divisions 3 and 4 of article II of this chapter where there is a hardship as defined herein.

W

Waiver means a modification from the literal interpretation of this chapter, other than those sections relating to use requirements, subject to the procedures of division 4 of article II of this chapter where there is not a hardship as defined herein. **Source: APA PAS**

X

Xeriscape means landscaping practices designed to reduce or eliminate the need for supplemental watering, especially in arid and semi-arid climates. It involves using drought-tolerant plants, efficient irrigation, and other water-conserving techniques to create a low-maintenance and environmentally friendly landscape.

Y

Yard means an open space on the same lot with a building, such space unoccupied by structures and unobstructed from the ground upward except by trees or shrubbery or as otherwise provided in this chapter. The term "yard" may also apply to that area of the lot required to remain in open space by percentage of lot coverage regulations contained in this chapter in addition to the required front, required side or required rear yard open spaces.

Yard, front means a yard across the full width of the lot, extended from the front building line, including open porches, to the front street line of the lot.

Yard, rear means a yard extending across the full width of the lot and measured between the rear line of the lot and the rear building line of the main building. For corner lots, the rear yard shall be the yard opposite the front street line of the lot. For through lots, the rear yard fronting on the street opposite the front street line of the lot shall be the rear street yard. (Note: Refer to section 134-1636 for street lot lines.)

DRAFT WORK IN PROGRESS

Yard, side means an open unoccupied space on the same lot with a building between the building line and the sideline of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required. **Under review by staff.**

Z

Zero datum means the point of measuring all zoning code calculations related to building height, building overall height, building height plane and cubic content ratio.

Zoning district means defined areas delineated on the official zoning map of which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform. **Source: APA PAS**

Zoning in progress means a period of time during the zoning procedures which begins with active and documented efforts by those authorized to do the zoning work which, in the normal course of municipal action, may culminate in the requisite zoning change.

(Ord. No. 2-74, § 2.10, 3-26-74; Ord. No. 3-77, § 1, 3-29-77; Ord. No. 5-78, § 1, 3-31-78; Ord. No. 7-79, §§ 1, 4, 3-30-79; Ord. No. 4-80, § 1, 3-31-80; Ord. No. 6-81, § 1(a), 3-31-81; Ord. No. 7-82, § 1(a), (b), 3-31-82; Ord. No. 2-83, § 1(a), (b), 2-23-83; Ord. No. 1-84, § 1(a), (b), (d)—(i), 3-1-84; Ord. No. 2-84, § 1(c), 3-1-84; Ord. No. 1-85, § 1(a)—(i), 2-11-85; Ord. No. 1-86, § 1(a), (c)—(e), 2-10-86; Ord. No. 1-87, § 1(a)—(d), 2-9-87; Ord. No. 1-89, § 1(a)—(i), 2-6-89; Ord. No. 1-90, § 1(a), (b), 2-5-90; Ord. No. 1-91, § 1(a), (b), 4-23-91; Ord. No. 1-92, § 1(a), 2-3-92; Ord. No. 1-93, § 1(a)—(c), 2-8-93; Ord. No. 9-93, § 1(a)—(h), 6-8-93; Ord. No. 1-94, § 1(a), 2-7-94; Ord. No. 1-96, §§ 2, 18, 19, 2-5-96; Ord. No. 1-98, § 1, 2-9-98; Ord. No. 1-99, §§ 1, 2, 4-5-99; Ord. No. 1-01, §§ 3, 5, 2-19-01; Ord. No. 1-02, §§ 3, 4, 3-12-02; Ord. No. 3-02, § 1, 7-9-02; Ord. No. 1-03, § 1, 3-11-03; Ord. No. 1-04, §§ 7, 21, 3-9-04; Ord. No. 1-06, § 1, 3-14-06; Ord. No. 1-07, § 1, 4-10-07; Ord. No. 4-08, §§ 1, 4, 7, 4-7-08; Ord. No. 11-08, §§ 1, 2, 5-12-08; Ord. No. 5-09, § 29, 4-15-09; Ord. No. 26-10, § 1, 12-15-10; Ord. No. 14-2011, § 1, 6-15-11; Ord. No. 2-2011, § 1, 7-13-11; Ord. No. 3-2012, § 1, 4-11-12; Ord. No. 10-2012, § 1, 9-11-12; Ord. No. 7-2014, § 1, 5-14-14; Ord. No. 25-2015, § 1, 11-12-15; Ord. No. 31-2015, § 1, 2-10-16; Ord. No. 24-2016, § 1, 1-11-17; Ord. No. 15-2017, § 1, 7-12-2017; Ord. No. 04-2018, § 1, 4-11-18; Ord. No. 30-2017, § 1, 1-10-18; Ord. No. 11-2018, § 1, 7-11-18; Ord. No. 02-2019, § 1, 3-19-19; Ord. No. 01-2021, § 1, 2-10-21; Ord. No. 16-2021, § 1, 8-11-21; Ord. No. 19-2021, § 1, 9-13-21; Ord. No. 20-2021, § 1, 9-13-21; Ord. No. 011-2023, § 1, 8-9-23; Ord. No. 034-2024, § 1, 12-11-24)

Editor's note(s)—Ord. No. 25-2015 § 8, adopted November 12, 2015 provided that the amendment to section 134-2 contained in § 1 of said ordinance shall sunset on December 13, 2017, whereupon section 134-2 as it existed prior to adoption of said ordinance shall remain in full force and effect.

Cross reference(s)—Definitions generally, § 1-2.

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: June 26, 2025

To: Planning and Zoning Commission

Via:

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building

Re: Zoning in Progress Recommendations

Date: 6/20/2025

ATTACHMENTS

Staff Report

Resolution No. 41-2025

Food & Beverage Seat Count w/o Hotels & Clubs

Draft Listing of Limitations on New and Expanded Restaurants [F&B]

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character, Mobility and Transportation

Strategic Focus Areas:

Quality of Life

Community Preservation

On-island Mobility

FUNDING

No Funding

No Fiscal Impact

ZONING IN PROGRESS
TOWN OF PALM BEACH PZB STAFF REPORT

RECOMMENDATION

The Planning, Zoning, and Building (“PZB”) Department is requesting that the Planning and Zoning Commission (“PZC”) consider the current Zoning in Progress (“ZIP”) on Food & Beverage (“F&B”) operations, which include the recent traffic and parking studies and public discussions, and make recommendations to the Town Council based upon the findings of the Commission.

GENERAL INFORMATION

With the adoption of Resolution No. 069-2024 on June 12, 2024, the Town Council declared a ZIP to be in effect and directed the PZC, to consider, study and prepare regulations addressing the number and future location of restaurants, bars, nightclubs, lounges and for-profit private clubs within all commercial zoning districts of the Town in which such uses are either permitted or special exception uses. The PZC determined, in consultation with The Corradino Group and with ZoneCo, that several key pieces of data were still needed to resolve the ZIP. Some of the additional information needed included traffic and parking counts, which were best obtained during the peak season months of December 2024 and/or January 2025. On November 13, 2024, by Resolution 150-2024, the ZIP was extended by the Town Council to May 6, 2025.

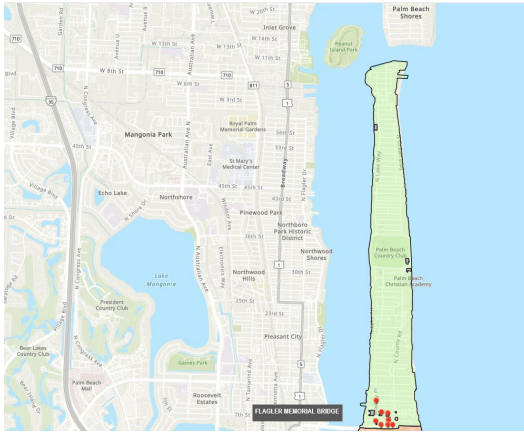
The PZC, after much discussion on the findings from The Corradino Group, found that the February and March traffic counts were still being evaluated with the background traffic from City of West Palm Beach development projects and those within the Town, that have been approved but not yet built and those still under construction, which data is imperative to the overall ZIP report. Per Resolution No. 041-2025, the Town Council thereby extended the ZIP to July 9, 2025.

The Corradino Group, Inc. has completed the supplemental traffic and parking analysis and has made recommendations on the ZIP to address the following key issues:

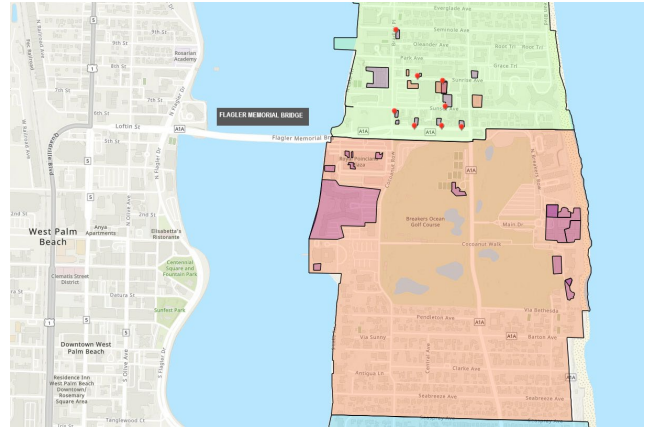
1. Whether traffic counts at peak dining times indicates the congestion of public roads and ways attributable to restaurant-generated traffic; and/or
2. Whether a concentration of restaurants has limited other land uses from locating within the Town of Palm Beach generally and the primary restaurant streets specifically.

The Traffic and Parking Analysis, prepared by The Corradino Group, divided the Town into five distinct geographic districts as displayed on the maps below. Each district was evaluated based on roadway capacity, level of service, origin-destination, and parking.

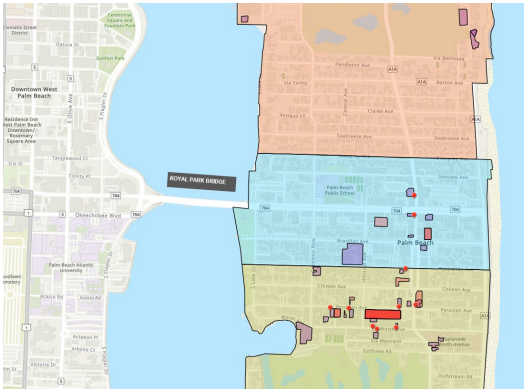
ZON-25-0021 1170 S OCEAN BLVD (BATH & TENNIS CLUB)
TOWN OF PALM BEACH PZB STAFF REPORT
Page 2 of 3



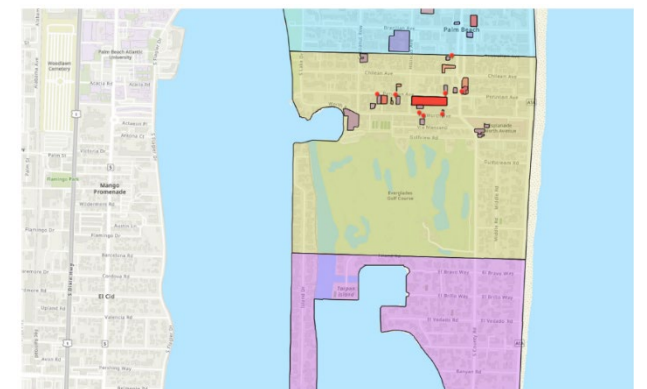
District One



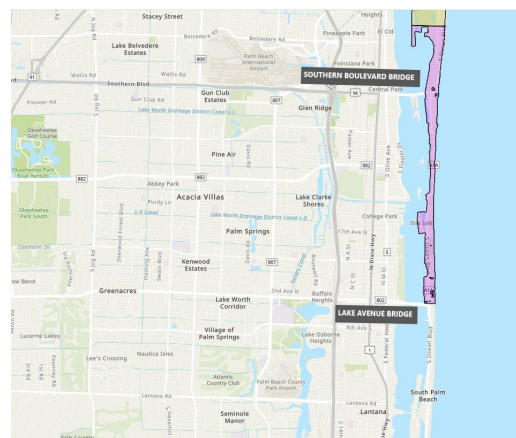
District Two



District Three



District Four



District Five

At the June 3, 2025, PZC meeting, the recommendation on the conclusion of the ZIP was deferred for further consideration. The Corradino Group still supports recommending the prohibition of new F&B establishments from operating before 5:00 PM on Mondays through Fridays, but now limits it to District One and Two. They further recommend that Districts

Three through Five be reevaluated annually when Kimley Horn & Associates, Inc. performs their annual trip counts.

There are other possible recommendations that exist for the PZC to consider. These other possibilities to conclude the ZIP, made by both the PZC members, legal counsel, and staff, include:

1. Recommend subtracting the existing hotels and/or private clubs seat counts from the overall total seat counts. See the attached table which lists the seat counts of only for the existing restaurants, bars, lounges, and nightclubs, but not for hotels and private clubs. These seat counts are roughly half of the total listing. The flaw in this recommendation is that trips to these operations will still take place [but not be included] and all the traffic and parking work to date considers ALL F&B operations, not just restaurants, bars, lounges and nightclubs.
2. Recommend limiting all F&B operations to the current number of seats by district. This could include even a 5% - 10% increase in total seats to allow for reasonable growth and flexibility. The total seat count by district is provided in the Corradino Study. The conclusion will be that once the current level of seats, or the approved increase, is reached; no further F&B operation can be considered until seats become available by way of a F&B operation closing. These seats would go into an available “pool of seats” in that district.
3. Recommend expanding the criteria for the granting of a special exception for F&B for a new or expanded operation. These expanded criteria could include more traffic information to be provided, on-site parking only without the ability for a zoning variance, no hours during lunch Monday through Friday, etc.
4. Recommend creating a new type of use for every new or expanded F&B operation – Alternative Development Standard. This would include a lofty list of standards that would exceed the regular special exception list of standards. See the attached document with the draft list of criteria.
5. Recommend taking no action at this time but allow changes to the F&B operations to be handled as part of full code reform.

In addition, the Town may consider creating code to spell out the time a F&B operation can remain closed without losing its ability to reopen as an F&B operation, and the process to reopen (special exception and no increase in seat count). The Town should also update the Principal of Equivalency (required parking spaces) for F&B operations.

Attachments: TOPB ZIP Traffic and Parking Study
 Resolution No. 041-2025
 Food & Beverage Seat Count w/o Hotels & Clubs
 Draft Listing of Limitations on New and Expanded Restaurants [F&B]

RESOLUTION NO. 041-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 069-2024, AS AMENDED BY RESOLUTION NO. 150-2024 WHICH DECLARED ZONING IN PROGRESS IN REGARD TO THE REGULATION OF THE LOCATION AND LIMITATION OF THE NUMBER OF RESTAURANTS, BARS, NIGHT CLUBS, LOUNGES AND FOR-PROFIT PRIVATE CLUBS IN ALL COMMERCIAL ZONING DISTRICTS OF THE TOWN IN WHICH SAID USES ARE SPECIAL EXCEPTION USES TO EXTEND THE ZONING IN PROGRESS TO JULY 9, 2025; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Florida Constitution and Chapter 166, Florida Statutes, the Town Council of the Town of Pahn Beach (Town) has the home rule powers and authority to govern development within the Town; and

WHEREAS, with the adoption of Resolution No. 069-2024 on June 12, 2024, the Town Council declared a zoning in progress to be in effect and directed the Planning and Zoning Commission, to consider, study and prepare regulations addressing the number and location of restaurants, bars, night clubs, lounges and for-profit private clubs within all commercial zoning districts of the Town in which such uses are special exception uses; and

WHEREAS, Resolution No. 069-2024 provided that zoning in progress would expire in six months or on December 10, 2024; and

WHEREAS, the Town's Planning and Zoning Commission worked diligently to review the food and beverage uses in the commercial areas as well as the traffic and parking issues related to said uses, including by soliciting and receiving input and data from Town Staff, the Town's traffic engineering consultants at The Corradino Group, and the Town's zoning consultants at ZoneCo;

WHEREAS, the Planning and Zoning Commission determined, in consultation with The Corradino Group and ZoneCo, that several key pieces of data are still needed to resolve the zoning in progress, including traffic and study counts best obtained during the peak season months of December 2024 and/or January 2025;

WHEREAS, the Town Council determined that an additional four months' time is needed to complete the zoning in progress;

WHEREAS, the Town Council adopted Resolution No. 150-2024 extending the zoning in progress to May 6, 2025;

WHEREAS, on April 1, 2025, the Planning and Zoning Commission, after much discussion on the findings from The Corradino Group, found that the February and March traffic counts are still being evaluated with the background traffic from City of West Palm Beach development projects and those within the Town that have been approved but not yet built and those still under construction, which data is imperative to the overall zoning in progress report;

WHEREAS, the Planning and Zoning Commission recommended to the Town Council that the zoning in progress be extended to permit the Planning and Zoning Commission to receive this data in June 2025;

WHEREAS, the Planning and Zoning Commission meeting in June falls on June 3, 2025;

WHEREAS, to permit Town staff and the Planning and Zoning Commission to consider the additional traffic data and make any legislative recommendation to the Town Council, an extension of the zoning in progress through till the Town Council meeting on July 9, 2025 is necessary and appropriate; and

WHEREAS, Resolution No. 041-2025 extends the zoning in progress to July 9, 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH, FLORIDA AS FOLLOWS:

SECTION 1. The whereas clauses are incorporated herein, and represent the Town Commission's legislative findings and intent regarding the necessity of extending zoning in progress.

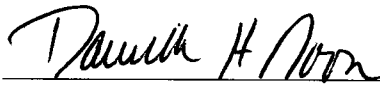
SECTION 2. Section 3 of Resolution 150-2024 is hereby amended and replaced with the following text:

SECTION 3. Zoning in progress shall remain in effect for the duration of this matter being under consideration by the Town through its Planning and Zoning Commission and the Town Council and until an ordinance relating to this matter is adopted which period of consideration and adoption is intended to be concluded by July 9, 2025. Nothing shall preclude the Town Council from extending the period of zoning in progress in consideration of this matter if determined necessary by the Town. This declaration of zoning in progress is of a temporary nature so as to allow a careful but expeditious study of this matter and may be concluded prior to July 9, 2025 date if an ordinance relating to this matter is adopted prior to said date.

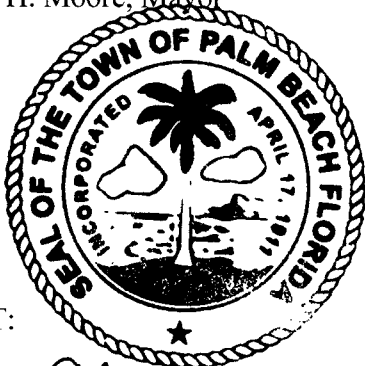
SECTION 3. This resolution hereby incorporates all other whereas and sections contained in Resolution 150-2024 attached hereto as Exhibit A.

SECTION 4. This Resolution shall take effect immediately upon its execution.

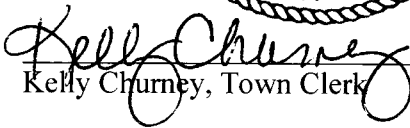
PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 9th day of April 2025.



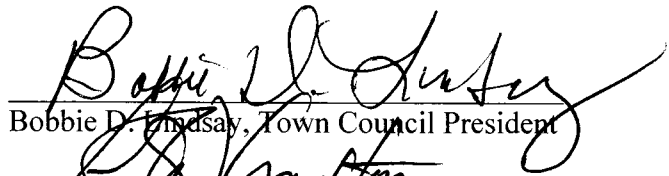
Danielle H. Moore, Mayor



ATTEST:



Kelly Churney, Town Clerk



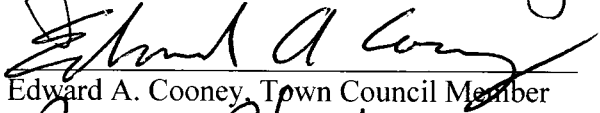
Bobbie D. Lindsay, Town Council President



Lewis S.W. Crampton, Council President Pro Tem



Julie Araskog, Town Council Member



Edward A. Cooney, Town Council Member



Bridget Moran, Town Council Member

FOOD AND BEVERAGE SEAT COUNT
(Does NOT include Hotels and Clubs)

DISTRICT 1		
Business Name	Number of seats on BTR	Notes
Almond Palm Beach	284	Business Currently Closed
Biltmore Beach Club	60	
Cucina	101	
Echo	157	
Filed of Greens	15	
Green's Pharmacy	80	
Henry's Palm Beach	150	
Lola 41 Palm Beach	156	
Meat Market Palm Beach	125	
PB Catch	150	38 outdoor seats under café seating permit
Trevini Ristorante	106	
TOTAL DISTRICT SEATS	1384	

DISTRICT 2		
Business Name	Number of seats on BTR	Notes
The Flagler Seakhouse	100	
Palm Beach Grill	164	
Restaurant 44 Palm Beach	151	20 outdoor seats under Café seating permit
Saint Ambroeus	120	
The Honor Bar at the Palm Beach Grill	55	
Toojays Deli	90	
Tutto Mare	TBD	No BTR Issued yet - No seating license or plan obtained
Cafe Des Beaus-Arts	TBD	NO BTR Application or Information to date
TOTAL DISTRICT SEATS	680	

DISTRICT 3		
Business Name	Number of seats on BTR	Notes
Café Boulud	298	301 Australian Ave CU-1
Café L'Europe	152	34 outdoor seating under café seating permit
La Goulue	138	24 outdoor seating under café seating permit
Surfside Diner	78	

FOOD AND BEVERAGE SEAT COUNT
(Does NOT include Hotels and Clubs)

TOTAL DISTRICT SEATS	666
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DISTRICT 4		
Business Name	Number of seats on BTR	Notes
Bice Ristorante	191	
Bricktop's	150	40 Outdoor seating under café seating permit
Buccan	177	
Café Via Flora	54	
Le Bilboquet	109	
Pizza Al Fresco	103	
Renato's Restaurant	150	
Starbucks Coffee	19	
Taboo	201	Permanently Closed
Le Bar A Vin	108	Listed as nightclub and merchant - No Seating listed
TOTAL DISTRICT SEATS	1262	

DISTRICT 5		
Business Name	Number of seats on BTR	Notes
Acqua Café	92	
Al Fresco Restaurant & Bar	150	
The Ambassador Grill	150	108 outdoor café seating under café seating permit
Brandon's	276	2842 S Ocean Blvd
TOTAL DISTRICT SEATS	668	

ARTICLE VIII. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 18. – RESTAURANTS

Sec. 134-2116. – Limitation on New and Expanded Restaurants.

Beginning August 13, 2025, all proposed new restaurants and the expansion of existing restaurants (i) located north of Island Drive in the Town of Palm Beach, (ii) located within the C-TS, C-WA, C-OPI, or C-PC zoning districts, and (iii) not a principal or accessory use to a hotel or private club, must, among other things, meet the special exception criteria set forth in Sec. 134-229 and the following additional criteria and conditions:

- (a) The maximum size of the restaurant shall not exceed 3,000 gross square feet;
- (b) The maximum number of seats available to the public for sit-down service shall not exceed 20 seats before 5:00 PM Monday through Friday (excluding federal holidays) between December 1st and April 30th;
- (c) The limitation on the number of seats available to the public set forth in subsection (b) above applies to the combination of both indoor dining seating and outdoor café seating so that the total number of seats made available to the public does not exceed 20 seats during the applicable time periods set forth therein notwithstanding the additional outdoor café seating allowed under Sec. 134-2106(a)(1);
- (d) The limitation on the number of seats available to the public set forth in subsection (b) above also applies to the sale of prepared foods for takeout so that no more than 20 seats are available for patrons to pay for their prepared foods for takeout but remain on the restaurant premises to consume such prepared food;
- (e) The limitation on the number of seats available to the public set forth in subsection (b) above does not apply to sit-down service after 5:00 PM Monday through Friday, on the weekends, and between May 1st and November 30th;
- (f) All new restaurants and the expansion of existing restaurants must enter into an one-time Declaration of Use Agreement (DOUA) with the Town of Palm Beach specifically acknowledging the limitations on the number of seats available to the public as set forth herein, which shall include provisions for remedies for violations of said limitations, before applying for and receiving a business tax receipt from the Town of Palm Beach on an annual basis; and
- (g) Notwithstanding anything herein to the contrary or otherwise, if any existing restaurant closes for business and is replaced by another restaurant within the same space and does not increase the total number of seats within said restaurant, the limitation on the number of seats available to the public set forth in subsection (b) above shall not be applicable to said restaurant as long as the new restaurant operator files an application for a special exception approval with the Town of Palm Beach within one year of the date the original restaurant

closed for business; otherwise the limitation on the number of seats available to the public set forth in subsection (b) above becomes applicable to said restaurant.

Note: Starbucks has 19 seats (according to The Corradino Group Traffic Study) so we made 20 seats the “free” number allowed before the seat limitations (which are based on adverse traffic and parking conditions during PM peak hours during the winter season) kick-in. This approach is purposefully intended to be more flexible than strictly prohibiting new or expanded restaurants that offer lunchtime dining-in service since although The Corradino Group Traffic Study established a positive correlation between F&B establishments and adverse lunchtime traffic and parking within the Town of Palm Beach, since the traffic data included hotels and private clubs in addition to stand alone restaurants, it is preferred to continue to allow small additional lunchtime restaurants in lieu of a strict prohibition.