



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

AUGUST 5, 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 26, 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](#)

UNFINISHED BUSINESS

5. Draft Work in Progress of Glossary of Terms
6. Verbal Code Review Update from July Town Council Meeting

NEW BUSINESS

7. Zoning Code Items - Quick Fixes #1-7

- 7.1 Quick Fix #1: Mechanical Equipment
- 7.2 Quick Fix #2: Nonconforming Lots
- 7.3 Quick Fix #3: Angle of Vision
- 7.4 Quick Fix #4: Residential use in Commercial Districts Default to R-C
- 7.5 Quick Fix #5 Appeals
- 7.6 Quick Fix #6 Duration of Land Use Approval & Extension of Time
- 7.7 Quick Fix #7 Floodplain Notice

ANY OTHER BUSINESS

MEETING SCHEDULE

- 8. The next meeting is scheduled for September 3, 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 26, 2025

CALL TO ORDER AND ROLL CALL

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

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

Staff Members Present: Wayne Bergman, Director of Planning, Zoning and Building, Jennifer Hofmeister, Planner III and Peter Henn, Town Attorney

Clerk's Note: Alternate Member McDonald will be a voting member due to a regular member vacancy.

PLEDGE OF ALLEGIANCE

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

MINUTES

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

A motion was made by Mr. Spaziani and seconded by Mr. Sanchez to approve the minutes of the June 3, 2025 meeting as presented. On roll call, the motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

A motion was made by Mr. Spaziani and seconded by Ms. McDonald to approve the agenda as presented. On roll call, the motion was carried unanimously, 7-0.

COMMENTS

2. OFFICIALS

Jorge Sanchez asked when the staff would look into the R-B zoning modifications. Mr. Bergman responded that it would be brought before the Commission in the next few months. Responding to Mr. Sanchez, he stated that an update regarding the Code review would be presented at the next meeting. Ms. Hofmeister explained to Mr. Sanchez that the Code review will be handled very similarly to how the Comprehensive Plan was handled, by bits and pieces, and eventually forwarded to the Town Council for review. She also explained how the review was handled for the commercial districts. James Murphy, Assistant Director, explained the R-B zoning process related to architecture and historic preservation. Town Attorney Peter Henn, spoke about Senate Bill 180, stating that last week the House and Senate sent the bill to the Governor. There is no specific guideline to date. He still feels that a good zoning code reform may be done regardless of Senate Bill 180, however caution will need to be exercised with the use of certain words such as more restrictive and more burdensome. He cited some examples.

3. STAFF

Mr. Bergman noted that Chair Coniglio will be leaving the meeting after the item under General Business and Vice Chair Christu will be chairing the meeting and will handle the Zoning in Progress item and the adjournment.

GENERAL BUSINESS

5. Draft Work in Progress of Glossary of Terms

Jennifer Hoffmeister, Planner III, presented the draft of the Glossary of Terms, which is part of the code review. She reviewed ten of the glossary terms, which would require changes to the town's Comprehensive Plan.

Chair Coniglio thought the easiest way to define a town resident would be if they are homesteaded. Mr. Henn responded that it is complicated given the nature of town residents who own more than one home. He said it is not as clear-cut as to only use homestead as the only criterion. Chair Coniglio felt that to be a town resident, someone would need to live in the town for six months and a day. Mr.

Gilbane suggested that the tax reference be set aside or used with another criterion.

Ms. Hofmeister stated she could look at the wording of Town Serving and bring more information back to the PZC next month. The PZC members expressed concern about the words used, such as “principally”, as part of the definition. Mr. Henn advised the PZC that caution must be used regarding overdoing the limits in a public arena. He said it was a good goal to make businesses town-serving, but having real metrics could create challenges.

Ms. Hofmeister noted that the town does not have an intensity standard in the comprehensive plan. She clarified the difference between residential use and commercial use.

Chair Coniglio noted that the commission members expressed concerns, and some guardrails were needed. Ms. Hofmeister responded that the town is moving forward to an intensity standard, which was never in place. Chair Coniglio did not think traffic should be included in the definition. Mr. Gilbane felt that traffic did belong with intensity. Ms. Hofmeister stated that there should be a definition for intensity where the details, including traffic, would be captured.

Ms. Hofmeister noted that in the town, special exception uses do not run with the land, the approval of a special exception use runs with ownership. The replacement of special exception use with conditional use is just a change of terminology. The criteria is being examined with Code Review.

Ms. Hofmeister said that definitions presented have been modified to be more applicable to the town. She said that a definition has been added for a waiver. Criteria for waivers will then need to be drafted. Chair Coniglio recalled she had heard waiver vs. variance in the past, and it was rejected resoundingly. She thought that the variance with a hardship was clearer.

Chair Coniglio asked if hardship should be defined. Mr. Gilbane stated that he would prefer that instead of waiver. Mr. Spaziani stated that there are at least six criteria to the legal definition of hardship, and those criteria are not listed in the definition for hardship. Mr. Murphy stated there are seven criteria for variances, and Mr. Spaziani suggested that those criteria be added to the definition for waiver. Mr. Sanchez was supportive of the change.

UNFINISHED BUSINESS

Clerk's Note: Chair Coniglio recused herself from this discussion and left the dais at 11:02 a.m.

6. Zoning in Progress Recommendations

Mr. Bergman recapped the presentation made by the Corradino Group at the last meeting. He stated that based on their analysis over the winter season, there is a recommendation to limit, prohibit or restrict new food and beverage operations north of Island Drive, which would include Districts 1, 2, 3 and 4 of the five districts created for the study, at any time before 5 PM, Monday through Friday. He further stated that they completely stood by the recommendation but were willing to concede in Districts 1 and 2 with the same restriction. He stated that the staff is looking for a recommendation to bring to the Town Council. He stated that staff had prepared a memorandum laying out the Corradino recommendation and other options to resolve the Zoning in Progress. He said there was a request not to look at the hotel seat counts and private club seat counts. However, Mr. Bergman would not recommend that because of the trips to get people to and from those venues. He acknowledged that when the number of seats at hotels and private clubs is discounted, basically, the number of seats is half. He noted there was talk about limiting food and beverage establishments to the current number of seats by district. It was also suggested that if that was the case, include a buffer for a small increase and include a maximum. He said there was also discussion with the legal counsel about expanding the criteria for granting a special exception use. He said the special exception criteria, when it comes to traffic and parking, are very old school. They also talked about expanding the criteria for granting a special exception, creating a new level of use with more stringent standards.

Ms. McDonald wanted to ensure clarity with regard to hours because when she looks at lunch, which falls under peak hours and dinner would fall under peak hours. She said the study indicates that the signalized intersections, during peak hours, are at A, B and C between 11:00 a.m. and 2:00 p.m., which does not seem critical.

Ms. Hofmeister responded that there is a difference between the segments and the intersections. She asked Eric Czerniejewski, P.E., of the Corradino Group to further address Ms. McDonald's comments. Mr. Czerniejewski stated that the Corradino Group looked at numerous data sets, and he explained the data reviewed and how it was used. He also reviewed the data pertaining to the food and beverage weekday trips by district. He noted that the worst traffic occurs midday through 5:00 p.m. The restriction for new seats in Districts 1 and 2 would be before those times.

Mr. Ailey agreed with Ms. McDonald that if a decision is going to be made to restrict commerce in town, there needs to be a solid understanding of the data being used to support that decision. He said the recommendation was not consistent with his personal experience. He also felt that if the restaurants were polled, the number of patrons between 3:00 and 5:00 p.m. would be minimal. He did not feel that the data was adequate to restrict food and beverage establishments.

Ms. Donaldson did not feel that restaurants were a major problem. She said she would prefer to see numbers without the restaurants.

Ms. McDonald stated that she would not be in favor of limiting lunch service, but she may be willing to say no breakfast since that is the time when traffic volumes are high. She would place guardrails on the special exception to address traffic and parking. She said the section of town also needed to be considered.

Mr. Sanchez had concerns about restricting people who are traveling to the island to work for residents. However, he felt noise regulations were more important. He also noted that he would be less concerned about restaurants than clubs since the clubs bring more visitors to Palm Beach.

Mr. Spaziani asked if the consultants had dealt with the possible expansion of food and beverage opportunities, stating this was directed by the town attorney on what needed to be done. Mr. Czerniejewski responded that they looked at the baseline number of seats and additional traffic that would be generated by projects that were approved but not yet built. He said they also looked at a general radius of influence from the town, into the City of West Palm Beach. All of the under-review, approved, and unbuilt projects were considered, and a contingency for growth was added to the study. Mr. Spaziani asked how many seats were analyzed out of the proposed restaurants, for the future. Mr. Czerniejewski said that data could be extracted and provided to the commission. Mr. Spaziani asked why the study was divided into four sections. Mr. Czerniejewski said they approached the study by looking at character areas.

Mr. Gilbane felt the data was robust, and his feeling was that restaurants were not a problem. However, now that he has analyzed facts, he feels that everything is a problem when it comes to traffic, especially in Districts 2 and 3. He stated there is a volume problem everywhere on the island, and he cited some examples. He also framed what was being recommended as an interim step to revising the code. He was supportive of moving the resolution forward.

Ms. Beuttenmuller stated she would lean toward not making any change at this time.

Mr. Christu stated that he would respectfully vote against the ban at this time. He said he would need additional data that directly relates to the issues of food and beverage to make a decision. He stated that he would be agreeable to recommend #5 which is recommending no action at this time, but allowing changes to be handled as a part of full code reform, and then having the Town Council look into expanding the criteria for the granting of special exceptions for food and beverage for new or expanded operations.

Ms. McDonald then stated that the recommendation will not be in perpetuity.

There were no public comments.

Clerk's Note: Alternate member Donaldson will vote due to Chair Coniglio's recusal and departure from the meeting.

A Motion was made by Ms. Beuttenmuller and seconded by Mr. Sanchez to recommend taking no action at this time but to allow changes to the Food and Beverage operations to be handled as part of the full Code reform. On roll call, the Motion passed 5-2 with Messrs. Gilbane and Spaziani dissenting.

ANY OTHER BUSINESS

Deputy Town Clerk Gayle-Gordon read the conflict of interest (Form 8B) filed by Chair Coniglio at the June 3, 2025, meeting into the record.

MEETING SCHEDULE

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

ADJOURNMENT

A motion was made by Mr. Spaziani and seconded by Mr. Sanchez to adjourn the June 26, 2025 Planning and Zoning Commission meeting at 11:45 AM. On roll call, the motion was carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 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: 7/29/2025

ATTACHMENTS

FYI Only - Draft Work In Progress: Article 2 Glossary of Terms

STRATEGIC PLAN

Strategic Priorities:
Community Culture and Character

Strategic Focus Areas:
Community Preservation

FUNDING

No Fiscal Impact

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. **Rules of Construction moved to Article 1 "Introduction and Using the LDR".**

ARTICLE 2 – GLOSSARY OF TERMS

Sec. 135- XX

(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 structure (enclosed)~~ means a subordinate structure that is fully enclosed by walls and a roof, that is customarily incident to the principal structure located on the lot or located on a contiguous lot when a unity of title has been provided.

~~Accessory structure (partially enclosed)~~ means a subordinate structure that is not completely sealed off, typically having openings in its exterior walls or roof that allow for air and light penetration that is customarily incident to the principal structure located on the lot or located on a contiguous lot when a unity of title has been provided..

~~Accessory structure (unenclosed)~~ means a subordinate structure without a complete exterior wall system, that is customarily incident to the principal 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.

DRAFT WORK IN PROGRESS

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.

Arbor means a light open latticework frame often used as a shady garden shelter.

Arcade means a line of arches along one or both sides, supported by pillars or columns, either freestanding or attached to a building.

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.

B

Balcony means a projecting platform usually on the exterior of a building, sometimes supported from below by brackets or corbels or cantilevered by projecting members of wood, metal, or masonry.

~~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.

DRAFT WORK IN PROGRESS

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.

Beam means a structural member whose primary function is to carry transverse loads, as a joist, girder, rafter, or purlin.

Best Management Practices (BMP's) means turf and landscape practices, or a 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~~ means a structure having a roof supported by columns or walls for shelter, support, or enclosure of persons or chattels. *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 (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 a triangular field defined on a site plan that generates the area in which a two-story structure may be sited in the front of a property in an effort to limit the visual mass of the building when viewed from the street. It is determined by 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. No portion of any individual two-story building shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line. **Note: Code Section will change. INSERT GRAPHIC HERE**

Building Code (Florida) means the document adopted pursuant to §553.75, Fla. Stat that contains or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules.

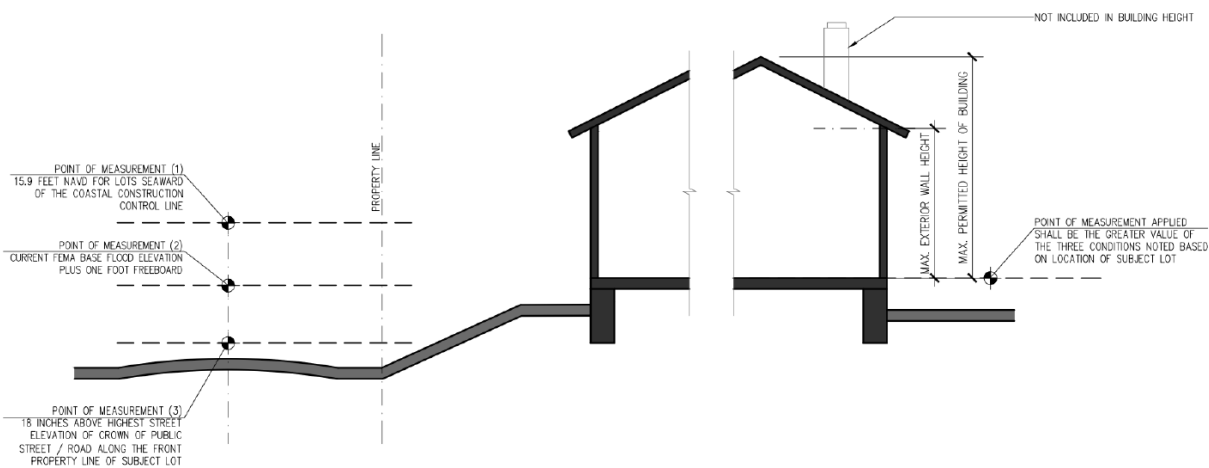
Building Official means a designated professional certified as a building code administrator by the State of Florida who is responsible for ensuring that the buildings within the Town adhere to local, state, and federal codes and regulations.

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.



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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.

DRAFT WORK IN PROGRESS

Bulkhead means a vertical, manmade structure built along a shoreline to protect the land from erosion.

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.

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.

Buttery means a pantry or wine cellar.

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.~~

Carriage porch means a roofed structure over a driveway at the door to a building, protection from the weather for those entering or leaving a vehicle. See also porte cochere.

Chimney means a vertical noncombustible structure containing one or more flues to carry smoke from the fireplaces to the outside, usually rising above the roof.

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.

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.

DRAFT WORK IN PROGRESS

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.

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.

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.

Comprehensive plan means a document prepared, adopted or amended pursuant to §163.3164, Fla. Stat 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,

DRAFT WORK IN PROGRESS

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..

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. No outside advertising is permitted.

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.

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 in a manner as to not have an adverse effect upon adjacent properties.~~

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.

Drainage means the removal of surface water or groundwater from land by drains, grading, or other means.

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.~~

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.

Dwelling, two-family means a ~~detached~~ attached 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

Elevation means a drawing showing the vertical elements of a building, either exterior to interior, as a direct projection to a vertical plane.

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.

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

Façade means the exterior face of a building, which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.

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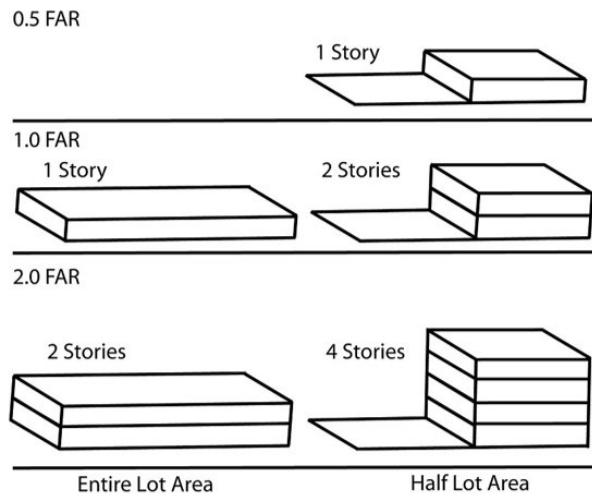
Family means an individual; or two or more persons related by legal adoption, blood, or a licit marriage; or a group of not more than three persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Fenestration means the arrangement and design of windows and other exterior openings in a building.

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.

Floodplain means

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.



Folly means a structure constructed primarily for decoration, sometimes built in a landscaped park to highlight the view.

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

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meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

Fountain means an architectural setting incorporating a continuous or sporadic water supply, fed by a system of pipes and nozzles through which water is forced under pressure to produce a stream of ornamental jets.

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.

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.

Historic Conservation District means an area of the Town adopted by the Town Council at a public hearing which has clearly defined boundaries and meets all of the criteria found in Section 18-304 and contains a number of historically significant buildings.

Historically Significant Building means any building which, in whole or in any structural part, which is at least 50 years old, which meets at least one of the four criteria for designation listed in Code Section 18-305(C) located within a historical conservation district approved by the Town Council at a public hearing; as being worthy of preservation, but may not rise to the level of a landmark building and as such is eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12, Historic Buildings.

Historically Significant Building (Alteration) means any change because of construction, addition, repair, maintenance, or renovation to a building or structure that is defined as a historically significant building,; in which the construction, addition, repair, maintenance or renovation will not preclude the building's or structure's continued designation as a Historically Significant Building, as reviewed and verified by a Town expert in historic preservation and confirmed to meet the criteria requirements of Section 18-305. An alteration to a historically significant building shall meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. An alteration to a Historically significant Building does not include complete demolition, which shall not be affected.

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

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.

Improvement means any permanent change to land that augments the property's value. An improvement will cause change to the land, increase the value, and will allow the landowner to make productive use of the property.

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 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.

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.

Jurisdiction means the official authority to make decisions and judgments.

K

L

Land Development Regulations (L.D.R) means the rules and ordinances that govern how land can be used and developed. They encompass zoning laws, subdivision regulations, building codes, environmental policies and other measures that control various aspects of development, ensuring the LDRs align with the goals, objectives and policies of a community's comprehensive plan.

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.

Landscaped Open Space means ~~open space~~ an area within a property that is designed to be ~~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.

Latticework means reticulated or netlike work formed by the crossing of laths or thin strips of wood or iron, usually in a diagonal pattern.

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).

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.

Local Planning Agency means the designated body pursuant to §163.3174, Fla. Stat., responsible for the comprehensive planning program and the preparation of the comprehensive plan, the elements, and plan amendments.

Loggia means an arcaded or colonnaded porch or gallery attached to a larger structure, open on one or more sides.

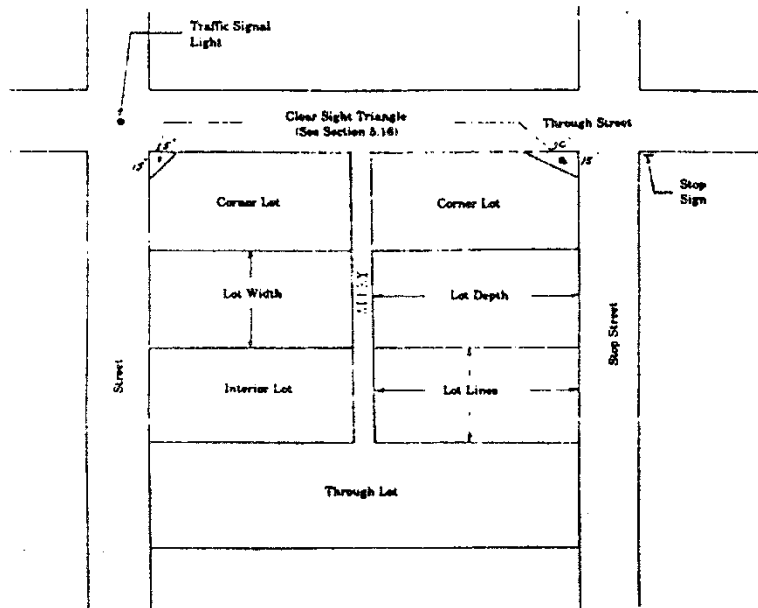
Logo means a graphic representation, letter, character, symbol, trademark, design, brand or crest or combinations thereof used to identify a business or organization.

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:

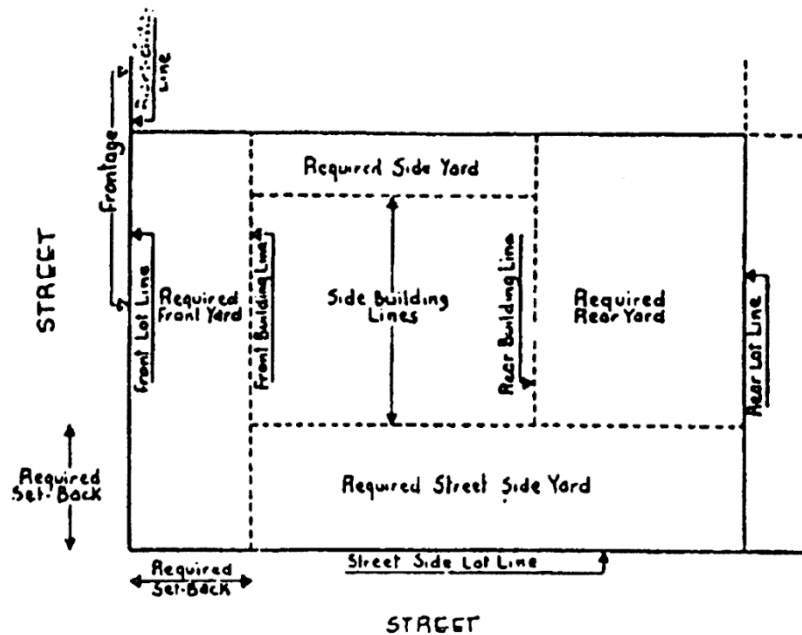
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Lot Definitions—General Replace with better image



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

Yard Definitions—Corner Replace with better image



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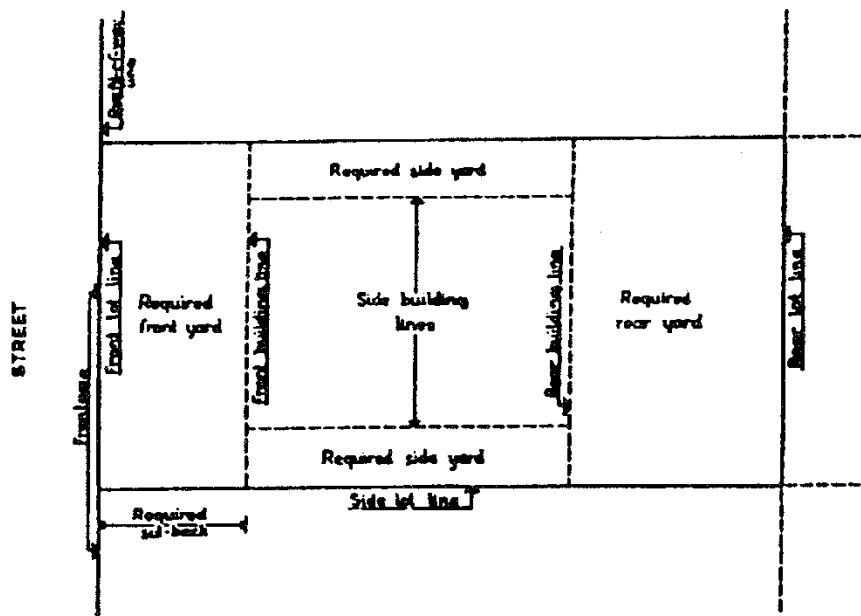
Lot coverage means that percentage of the lot area covered or occupied by the buildings or any part of the buildings, excluding therefrom any projections permitted to extend into yard areas elsewhere by this chapter.

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.

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:

Yard Definitions—Interior Lot Replace with better image



Lot (Lines) means the lines bounding a lot as established by ownership.

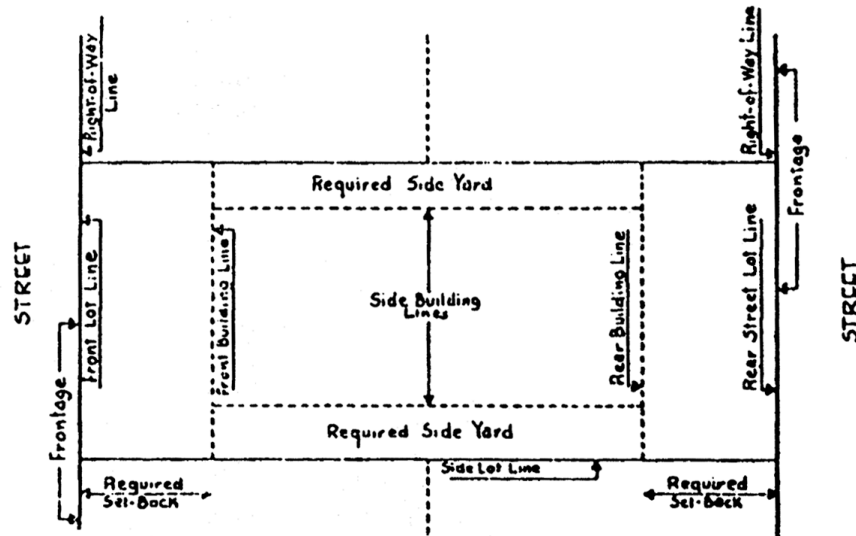
Lot of record means a parcel of land as originally subdivided or subsequently re-subdivided and properly recorded as a lot within a subdivision or plat.

Lot split means the division or redivision of a tract or parcel of land into two lots.

Lot, (Street Lot Line) means the front street lot line, side street lot line or rear street lot line of any lot, which shall be the right-of-way line of the abutting street. For public streets this shall consist of the dedicated right-of-way line of public streets plus any additional street widths as required by section 134-1636; for private streets, such right-of-way line shall consist of the platted or unplatted right-of-way line of such private streets plus any additional street width as required by section 134-1636. Note: Refer to section 134-1636 for street lot lines. Sections will change.

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Lot, (Through) means an interior lot having frontage on two streets, other than a corner lot, illustrated as follows: **Replace with better image**



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.

Mean High-Water Line means the intersection of the tidal plane of mean high water with the shore.

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 cannabis food, tinctures, aerosols, oils, ~~or~~ ointments or gummies), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualified registered patients or 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.

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.

Municipally owned or operated refers to the town facilities.

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 operates as~~ a place of entertainment that is usually open late at night, ~~offering the following as a principal use:~~

(1) Live or recorded music, dancing with or without a dance floor, drinks, and a floorshow:

~~(1) (2) One or more deejays playing recorded music;~~

~~(2) (3) By One or more performing artists;~~

~~(3) (4) 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.

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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.

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 means 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 that~~ does not increase the seating capacity. The exception is that a specialty food use, including the sale of prepared foods for takeout only that is under 2,000 square feet in gross floor area may request up to eight [additional] outdoor cafe seats over the inside capacity provided that the seating meets the conditions of Code Sec. 134-2106 *Note this section will change.*

~~*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.

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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.

Patio means an outdoor area, often paved and shaded, adjoining or enclosed by the walls or arcades of a house.

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

~~*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.~~

Permanent means designed, constructed, and intended for more than short-term use.

Permanent Resident means someone who intends to reside in the area indefinitely and has taken steps to solidify this intention, such as owning property or living there for an extended period of time.

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.

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.

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

Pool (Swimming) means a manmade structure that is designed to hold water to enable swimming and associated activities.

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Porch means a roofed entrance, either incorporated in a building or as an applied feature on the exterior of a building.

Porte-cochere means a doorway large enough to let a vehicle pass from the street to the parking area. See also carriage house.

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.

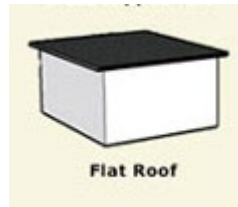
Residential Use means use of land or structures thereon or portions thereof for residential occupancy of a permanent or semipermanent nature with an intended occupancy period, by any one individual or family, with or without bona fide nonpaying guests, of not less than three months; except that residential 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.

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.

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.

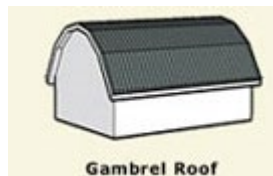
Roof (Flat) means roof having a pitch of not more than 1.5 inches in 12 inches.



Roof (Gable) means A roof that slopes downward in two opposite directions from a central ridge.



Roof (Gambrel) means a roof with two pitches on each side.



Roof (Hip) means a roof with slopes upward from all four sides of a building, requiring a hip rafter at each corner.



Roof (Mansard) means a roof with a steep lower slope and a flatter upper slope on all sides, either of convex or concave shape.



Roof (Pitched) means a gabled, or hipped roof having a slope or pitch of at least one-foot rise for each four feet of horizontal distance in the direction of the slope or pitch of the roof.

S

Setback means the minimum distance by which any building or structure must be separated from a street right-of-way.

Sign, illuminated means a sign which is lit 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.**

Skylight means an opening in a roof which is glazed with a transparent or translucent material used to admit natural or diffused light to the space below.

Site Plan means a plan, drawn to scale, showing uses, buildings, and structures proposed for a parcel of land as required by the land development regulations that includes parcel lines, streets, open space, major landscape features, both natural and manmade.

Spa means a hot tub or similar warm-water hydromassage man-made body of water.

~~*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.~~

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.

Stormwater means the flow of water that results from, and that occurs immediately following, a rainfall.

Stormwater Management Agreement means the agreement recorded in the public records which contains the stormwater management plan and any restrictions placed on the property at the time of recordation and, if applicable, a letter from an professional engineer registered in the state stating that any underground storm water improvements have been constructed substantially in compliance with the approved storm water management plan.

Stormwater Management Plan means a design prepared by a professional engineer registered in the state of Florida illustrating the stormwater management system to be constructed to address the town's stormwater level of service during and after construction.

Stormwater Management System means the system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit or divert the movement of stormwater on, through and/or from a site.

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~~ 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.**

Survey means the process of measuring and mapping the boundaries, features, and ownership of a piece of land by a registered land surveyor. It involves determining and marking the boundaries, corners, and lines of the land and collecting accurate data using specialized tools and equipment.

Survey (ALTA) (American Land Title Association/National Society of Professional Surveyors) means a detailed plan that follows strict standards and provides information about boundaries, easements, encroachments, and zoning restrictions. Alta surveys are often required by insurance and title companies to determine if there are any potential risks associated with the property.

Survey (Construction) means a plan of the natural and artificial features of a piece of property to provide detailed information about the contours, elevations, vegetation, water bodies, structures, and other characteristics of the land is providing a comprehensive understanding of terrain for site development and landscape design. This type of survey ensures accuracy during the building process to help the architecture and engineering teams implement their designs and specifications in line with legal requirements.

Survey (Elevation Certificate) means a document that provides information regarding a building's location, lowest point of elevation, flood zone and other characteristics according to the Federal Emergency Management Agency (FEMA).

Survey (Plat) means a 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.

Survey (Subdivision) means a plan prepared by a registered surveyor or engineer, that calls for 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.

Survey (Topographic) means a plan prepared by a registered surveyor or engineer that maps the natural and artificial features of a piece of property to provide information about

the contours, elevations, vegetation, water bodies, structures, and other characteristics of land vital for site development and landscape design.

Surveyor (Land) means A person who knows surveying principles and methods, legal requirements, and is registered in the state in the field of land surveying.

I

Terrace means a flat or raised space or platform adjoining a building, paved or planted, especially one used for leisure enjoyment.

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.~~

Tower means a tall structure designed for observation, communication or defense. A bell tower is synonymous with the term “campanile”; church towers are used for hanging bells.

~~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-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 cnot necessarily be limited to providing such professional services as attorneys, doctors, veterinarians (see Section 135-XXX), 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 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~~

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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.

Town-serving Retail Establishments (retail specialty foods) means establishments that focus on selling a specific category of products for pick-up or fast casual dining, for instance coffee shops, pickup windows associated with a primary restaurant, and diners.

~~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.

Trip Generation means 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.

Trip (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.

Turf (Artificial) means a surface made of synthetic (man-made) fibers designed to look like natural grass.

Turf means grass and the surface layer of earth held together by its roots.

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

DRAFT WORK IN PROGRESS

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.

Window means an opening in an exterior wall of a building to admit light and air.

Window (Bay) means a window forming a recess in a room and projecting outwards from the wall either in a rectangular, polygonal, or semicircular form. **Add illustration**

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.) **Section numbers will change.**

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.

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.

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.

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building
James Murphy, Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #1: Mechanical Equipment

Date: 7/28/2025

ATTACHMENTS:

Staff Report - Quick Fix #1 Mechanical Equipment

Draft Ordinance - Quick Fix #1 Mechanical Equipment

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community, Governmental Leadership and Innovation, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Quality of Life

Community Preservation

On-island Mobility

Emergency Management

Management of Environmental Threats

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on July 9, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are affectionately referred to as "Quick Fixes Traunch 01." The presentation was well received with six of the seven "items" to be drafted into a working draft ordinance for review. This is item number one from that group, which prompted considerable discussion by the Town Council, resulting in direction to staff to address the most pressing issues in the code section while referring the remaining items—namely, how to address equipment screening for higher-elevation flood zones—to the Planning and Zoning Commission for review and recommendations.

Staff is proposing updates to equipment regulations relating to permitted locations, setbacks, with other clarifying edits. The proposed Ordinance No. XXX-2025 amends existing zoning code regulations related to: rooftop mechanical equipment types, locations, heights, and screening requirements; street-side and street-rear yard setbacks for equipment; pool equipment (pump, filter, heater, etc.) setback and screening requirements; and generator locations. If acceptable, staff recommends that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

Zoning code regulations pertaining to mechanical equipment – including air conditioners, generators, swimming pool equipment, and other equipment used to maintain and operate structures – have become overly convoluted through series of zoning code amendments over the years. The goal of "Traunch 01" of the zoning code quick fixes is to simplify the web of regulations woven over the years so that residents and their design professionals are better able to plan for equipment placement on their properties in a thoughtful and logical manner. While the broader mechanical equipment regulations may warrant a complete reorganization and rewrite, the current focus is on targeted correction to improve usability while a more comprehensive overhaul of the zoning code is studied.

Sections 2, 3, 4, & 5 of the ordinance address rooftop equipment. Currently, height and area limitations are in conflict with modern equipment design, resulting in an inevitable need for variance requests. Additionally, different types of equipment are arbitrarily assigned different height limitations, with some types of equipment totally prohibited from being placed on a roof top. In this ordinance, PZB staff proposes to standardize rooftop equipment regulations by applying uniform height limits and expanding the allowable placement area while requiring that equipment be centrally located and screened to the satisfaction of the applicable design review board.

Section 6 of the ordinance pertains to air conditioning and swimming pool and fountain equipment regulations. Proposed changes clarify existing language and align setback

and screening standards across equipment types and related code sections. The ordinance also removes the outdated requirement for a “three-sided” wall enclosure for cooling towers – a provision inadvertently retained in a previous code amendment – and eliminates arbitrary distance separation limits between pool equipment and swimming pools.

Section 7 pertains to generator regulations. The proposed ordinance language: clarifies existing code language to better reflect the intent of the section (as staff understands); adjusts street-side and street-rear yard setbacks for consistency with other equipment types; remove the prohibition of rooftop generator placement; and deletes a provision that allowed the department director to waive zoning requirements for generators over 60kW based on loosely defined criteria. modifying generator setback requirements in street-side yards and street-rear yards for consistency with other equipment types; eliminating the prohibition of generators on roof tops; and eliminating a code section which provides authority for the department director to grant a waiver for installation of a generator over 60kW in a location that is in conflict with setback and screening requirement by making findings which include (but are not limited to) “that the proposed location of the generator is not merely for the convenience or preference of the applicant”.

Town Council directed staff to address the current mechanical equipment regulations as an immediate priority, without undertaking a comprehensive rewrite at this time.

A new graphic is forthcoming that will hopefully help explain the zoning concept.

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB:JGM:BMF

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING **BY AMENDING**; ARTICLE VI, DISTRICT REGULATIONS, DIVISION 2. – R-AA LARGE ESTATE RESIDENTIAL DISTRICT **AT SECTION 134-796.-EXCEPTIONS TO HEIGHT LIMITATIONS; AMENDING ARTICLE VI, DISTRICT REGULATIONS,**; DIVISION 3. – R-A ESTATE RESIDENTIAL DISTRICT **AT SECTION 134-846.-EXCEPTIONS TO HEIGHT LIMITATIONS; AMENDING ARTICLE VI, DISTRICT REGULATIONS,**; DIVISION 4. – R-B LOW DENSITY RESIDENTIAL DISTRICT **AT SECTION 134-896.-SPECIAL EXCEPTIONS TO HEIGHT LIMITATIONS;**; **AMENDING** ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3. – HEIGHT AND OTHER EXCEPTIONS **AT SECTION 134-1607.-PERMITTED EXCEPTIONS; AND AMENDING; ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS,** DIVISION 6. – STRUCTURES, SUBDIVISION II. – ACCESSORY BUILDINGS AND OTHER STRUCTURES **AT SECTIONS 134-1728.-AIR CONDITIONG AND SWIMMING POOL, AND FOUNTAIN EQUIPMENT AND 134-1729.-GENERATORS TO UPDATE THE TOWN’S MECHANICAL EQUIPMENT REGULATIONS;** PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapter 166, Florida Statutes, to adopt such regulations as it deems appropriate to further the health, safety, and welfare of its residents;

WHEREAS, as an outgrowth of their ongoing study of the Town’s Zoning Code, the Planning, Zoning & Building (PZB) staff presented a number of items referred to as “Quick Fixes Traunch 1” to the Town Council for consideration at its July 9, 2025 Development Review meeting;

WHEREAS, the PZB staff recommended the Town update the Zoning Code's mechanical equipment regulations relating to the types, locations, heights and screening requirements for rooftop mechanical equipment; street-side and street-rear yard setbacks; pool equipment (pump, filter, heater, etc.) setback and screening requirements; and generator locations; and

WHEREAS, Town Council on July 9, 2025 directed PZB staff to address the current mechanical equipment regulations as an immediate priority.

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

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. Chapter 134 – Zoning, Article VI. - District Regulations, Division 2. - R-AA Large Estate Residential District Sec. 134-796. - Exceptions To Height Limitations- is hereby amended as follows:

Sec. 134-796. Exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-AA large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment ~~not exceeding four feet above the minimum building requirement for elevated stands on a roof,~~ generators and similar equipment to operate and maintain a building not exceeding ten 10 feet in height above the roof, and radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flag-pole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ~~ten twenty five 25~~ percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be centrally located and sight screened insofar as possible, as determined by the Architectural Commission or Landmark Preservation Commission, as applicable. Solar materials shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.
- (b) In the R-AA zoning district, observation towers may be constructed as an integral part of a single-family dwelling. The height of such tower may exceed the allowable building height limit and overall building height limit of the dwelling by ten feet. The area of such tower

shall not exceed one percent of the gross floor area of the dwelling. It is also the intent that this subsection not apply to entry facades or parapets.

Section 3. Chapter 134 – Zoning, Article VI. - District Regulations, Division 3. - R-A Estate Residential District, Sec. 134-846. Exceptions to height limitations. is hereby amended as follows:

Sec. 134-846. Exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-A large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment ~~not exceeding four feet above the minimum building requirement for elevated stands on a roof,~~ generators and similar equipment to operate and maintain a building not exceeding ten feet above the roof, and radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ~~ten twenty five~~ 25 percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be centrally located and sight screened insofar as possible, as determined by the Architectural Commission or Landmark Preservation Commission, as applicable. Solar material shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.
- (b) In the R-A zoning district, observation towers may be constructed as an integral part of a single-family dwelling. The height of such tower may exceed the allowable building height limit and overall building height limit of the dwelling by ten feet. The area of such tower shall not exceed one percent of the gross floor area of the dwelling. It is also the intent that this subsection not apply to entry facades or parapets.

Section 4. Chapter 134 – Zoning, Article VI. - District Regulations, Division 4. – R-B Low Density Residential District, Sec. 134-896. Special exceptions to height limitations. is hereby amended as follows:

Sec. 134-896. ~~Special~~ eExceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B low density district are skylights not exceeding three feet above the roof, air conditioning equipment ~~not exceeding four feet above the minimum building requirement for elevated stands on a roof,~~ generators and similar equipment to operate and maintain a building not exceeding ten feet above the roof, and radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to

exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ~~ten~~ twenty-five percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be centrally located and sight screened insofar as possible, as determined by the Architectural Commission or Landmark Preservation commission, as applicable. Solar ~~[material]~~ material shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.

- (b) In the R-B zoning district, one architectural tower feature may be constructed as an integral part of a single-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house in the R-B zoning district. It is also the intent that this subsection not apply to entry facades or parapets.

Section 5. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 3. – Height and Other Exceptions, Sec. 134-1607. –Permitted exceptions- is hereby amended as follows:

Sec. 134-1607. Permitted exceptions.

Permitted exceptions to height regulations in this chapter in districts other than R-AA, R-A and R-B shall be as follows:

- (1) In all zoning districts ~~s~~ other than R-AA, ~~R-A and R-B districts~~, structures for the housing of elevators, stairways, tanks, and skylights not exceeding ~~ten~~ twenty-five ²⁵ percent in total area of the roof area on which they are placed, skylights not more than four feet in height above the roof; ventilating fans ~~not exceeding three feet in height above the roof~~ or, generators and similar equipment to operate and maintain a building not more than ten ~~ten~~ feet in height above the roof; air conditioning equipment ~~not exceeding four feet above the minimum building requirement for elevated stands on a roof not more than ten~~ feet in height above the roof; generators; radio and television antennas for reception purposes only; and church steeples, flagpoles and chimneys no more than 40 percent above the height limits for the district within which they are located as prescribed by this chapter. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is set back at least 120 feet from any lot line. Such structures and equipment located upon the roof area shall not cover in the aggregate a roof area greater than ~~15~~ twenty-five percent of the ground floor area of such building or structure. Radio and television antennas for reception purposes, air conditioning equipment, the housing of elevators, stairways, tanks, ventilating fans or similar equipment to operate and maintain a building which are permitted on the roof shall be centrally located and sight screened from view in so far as possible, as determined by the Architectural Commission or

~~Landmarks Preservation Commission, as applicable.~~ Solar material shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.

- (2) When any building is constructed on a tract of land extending from Lake Worth to any north-south street, for the purposes of identifying height, if there is a subbasement and a basement, the basement shall be considered a story. This subsection does not allow any increase in building or story heights as measured from the public street.

Section 6. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 6. – Structures, Subdivision II. – Accessory Buildings and Other Structures, Sec. 134-1728. – Air conditioning and swimming pool, and fountain equipment- is hereby amended as follows:

Sec. 134-1728. Air conditioning and swimming pool, and fountain equipment.

- (a) *Air conditioning/chiller equipment (excluding cooling towers).* Air conditioning equipment shall not be allowed in a required front yard setback. Said equipment ~~shall~~ may be allowed in a required side yard, rear yard, street-side yard and street-rear yard setback provided the following requirements are met:
 - (1) The equipment shall have a minimum five-foot side yard and rear yard setback.
 - (2) The equipment shall have a minimum ~~20~~fifteen 15-foot street-side yard and street-rear yard setback.
 - (3) A maximum of two pieces of air conditioning equipment not exceeding six feet in height above grade or the minimum flood elevation, whichever is higher, ~~shall be allowed~~ are permitted within each setback.
 - (4) The equipment shall be completely screened from the neighboring property and the street by a concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided that wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the applicant enter into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.
 - (5) If the equipment and required new screening wall can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining air conditioning/chiller equipment visibility.
 - (6) Where required setbacks for principal structures are increased based on a larger lot width or depth, the air conditioning equipment (not including cooling towers) shall meet the same requirements as the standard size lots in the district it is located.
- (b) *Cooling tower equipment.* Cooling tower equipment shall meet the following requirements:
 - (1) The equipment and screening wall, as required below, shall meet the same minimum required yard setbacks as the principal structure.

- (2) The equipment shall be screened from the neighbors and/or a street by a ~~three-sided~~ concrete wall at least as high as said cooling tower.
 - (3) If the equipment and required screening wall can be seen from the street without intervening landscape material, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.
- (c) *Swimming pool and fountain equipment.* Swimming pool and fountain equipment ~~shall~~ may be allowed in a required side yard, rear yard, street-side yard and street-rear yard setback, provided the following requirements are met:
- (1) Swimming pool and fountain pump and filter equipment and pool heater equipment shall have a minimum five-foot side and rear yard ~~setback~~ setback ~~and shall in all situations be located no further than 25 feet from the pool or fountain water's edge.~~
 - ~~(2) Swimming pool heater equipment shall have a minimum ten-foot side and rear yard setback and shall in all situations be located no further than 25 feet of the swimming pool water's edge.~~
 - ~~(3)~~(2) Swimming pool heater and pump equipment and fountain equipment (excluding filters) shall not exceed four pieces of equipment.
 - ~~(4)~~(3) Swimming pool heater, pump and filter equipment and fountain equipment shall not exceed a maximum height of four feet above grade or the minimum flood elevation, whichever is higher.
 - ~~(5)~~(4) All swimming pool and fountain equipment, and filter equipment, and heater equipment shall have a minimum ~~20~~fifteen 15-foot street-side yard and street-rear yard setback ~~and in all situations shall be located no further than 25 feet from the water's edge of the swimming pool and/or fountain.~~
 - ~~(6) Swimming pool and fountain pump and filter equipment, excluding swimming pool heater equipment, shall be enclosed in a pump house and shall be located no further [than] 25 [feet] from the swimming pool or fountain water's edge.~~
 - ~~(7)~~(5) Swimming pool ~~heater~~ equipment shall be completely screened from a neighboring property and a street by a building or concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided the wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.
 - ~~(8)~~(6) If the equipment and required new screening wall ~~or pump house~~ can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining swimming pool and fountain pump, heating and filter equipment visibility.
 - ~~(9)~~(7) Where required setbacks for principal structures are increased based on a larger lot width or depth, the swimming pool and fountain pump, filter and heating

pool equipment shall meet the same requirements as the standard size lots in the district it is located.

Section 7. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 6. – Structures, Subdivision II. – Accessory Buildings and Other Structures, Sec. 134-1729. – Generators- is hereby amended as follows:

Sec. 134-1729. Generators.

Generators are subject to the following regulations. ~~Except for generators serving a public purpose and owned and operated by the town or temporary generators used during or after a natural disaster such as a tropical storm or hurricane event, and which are therefore exempt from these regulations, portable or permanent generators temporarily or permanently placed on the ground, on a stand or on a trailer, shall not be placed in the required front, street side or street rear yard setbacks; provided, however, not more than one such generator shall be placed in any given within the same required side or rear yard setback.~~

- (1) ~~One or a combination of more than one portable or permanent generators with combined an~~ output of not more than 60 KW ~~shall may be allowed provided only one generator is within the same required yard area permitted within a required side yard or rear yard.~~ Said generator(s) shall be ~~allowed setback at least~~ five feet from a side or rear property line ~~and at least fifteen 15 feet from a street-side or street-rear property provided line, provided~~ said generator meets the following requirements:
- There is only one generator within ~~that~~ each required yard area.
 - The generator(s) shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.
 - The highest point on the generator(s) shall not exceed a maximum of seven feet above the neighboring property owner's grade or zero datum as defined in the appropriate definition of building height in section 134-2.
 - The generator(s) shall be completely screened from ~~at the~~ street and the neighboring ~~property owners properties~~ by a concrete wall the same height as the generator(s) (including the height of the exhaust muffler). An adjacent property owner's existing side or rear concrete wall that completely screens the generator from the neighbor adjacent to that generator can satisfy said requirement provided the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.
 - If the generator(s) is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining a generator's visibility.
 - The generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
 - The generator(s) shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power

back to a power company or for use by power customers during periods of peak demand.

- h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.
- i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

~~j. Generators shall not be permitted on the roof of a building.~~

- (2) Temporary or permanent generators with a combined output of greater than 60 KW ~~or more~~ may be ~~temporarily~~ placed on the ground, on a stand or on a trailer provided, however, said generator(s) meets the following requirements:

- a. ~~A~~The generator(s) shall meet the minimum setback requirements applicable to ~~thea~~ principal structure ~~of the subject property and not more than one generator shall be within the same required setback or yard area. Where required setbacks for structures are increased based on building height or lot size, the setback of the generator shall be exempt from any increased setbacks.~~
- b. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.
- c. If the generator exceeds an output capacity of 100 KW or the combined output capacity of multiple generators exceeds 120 KW, said generator(s) shall be subject to site plan review as defined in sections 134-326—134-330. If any individual generator output capacity exceeds 100 KW it shall be housed in an enclosed building with landscaping as approved by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable.
- d. If the generator exceeds 60KW and is 100KW or less, it shall be screened from view at the street and from the neighboring properties by a concrete block wall, at least the same height as the generator (including the height of the exhaust muffler). An adjacent property owner's side or rear concrete wall that completely screens the generator from the neighbor adjacent to said generator can count towards screening provided that the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.
- e. If the generator is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, as applicable. Intervening landscape material shall not be considered when determining a generator's visibility.
- f. The generator'(s) exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- g. The generator(s) shall be used only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for

periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company.

- h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.
- i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

~~j. Generators shall not be permitted on the roof of a building.~~

~~(3) Notwithstanding subsection (a), the director or designee may grant a waiver allowing a one generator with an output capability in excess of 60KW to be located within a required side or rear yard setback, provided the applicant submits to the town a site plan and evidence or testimony substantiating each of the following conditions:~~

- ~~a. The output of a 60 KW or less generator is incapable of providing enough electricity for the basic necessity of occupying a building and/or protecting interiors or possessions in a building from the damaging effects of prolonged loss of power.~~
- ~~b. The proposed location is not merely for the convenience or preference of the applicant, but that there is no other location outside of the required setbacks that will provide for safe placement of the generator.~~
- ~~c. The proposed location represents the minimum intrusion into the required setback(s) necessary to safely accommodate the generator.~~

~~(4) If an administrative waiver is not granted pursuant to subsection (c) the applicant may appeal the administrative decision to the town council pursuant to sections 134-131—134-145.~~

Section 8. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 9. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 10. Codification.

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

Section 11. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2025; and for the Second and Final Reading on this ____ day of ____, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

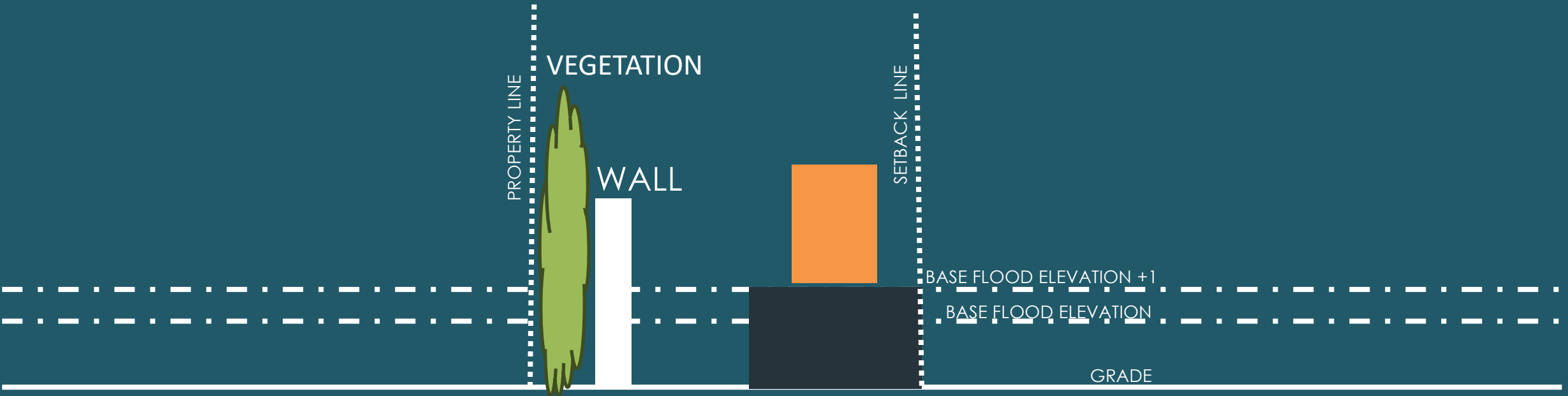
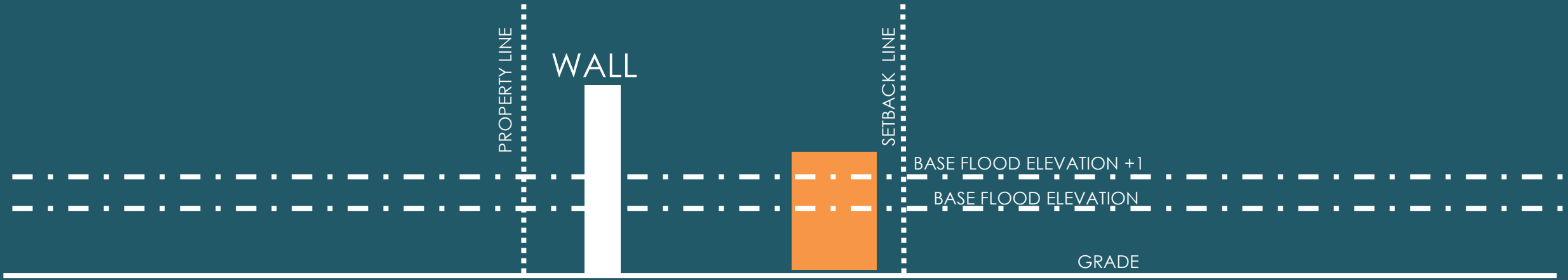
Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member



TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building
James Murphy, Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #2: Nonconforming Lots

Date: 7/29/2025

ATTACHMENTS:

Staff Report -Quick Fix #2 Nonconforming Lots

Draft Ordinance - Quick Fix #2 Nonconforming Lots

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on July 9, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are affectionately referred to as "Quick Fixes Traunch 01." The presentation was well received with six of the seven "items" to be drafted into a working draft ordinance for review. This is item number two from that group.

As you know, many of the special exceptions and/or site plan applications that come before the Town Council are required only because the lot on which development or redevelopment is to occur is a nonconforming lot. That means the lot frontage, lot dimensions, and/or lot area do not meet the current minimum regulations found in the zoning code. These applications add to the length of your agendas, create extra work for staff, and add extra time and expense for property owners. Staff would like to respectfully suggest that this step could be removed from the code for single-family development if this is the wish of the Council. These development projects will still be fully reviewed by either the Architectural or Landmarks Preservation Commissions.

DISCUSSION:

The requirements are found in Chapter 134, Sections 134-446, 134-793(b), 134-843(b) and 134-893(c). The code currently requires variances for nonconforming lots in the multi-family and commercial zoning districts, and special exceptions and site plan approvals for nonconforming lots in the single-family home zoning districts.

Staff's suggestion is to amend the code language to simplify the process for single-family development. Presumably, the lots which are designated "nonconforming" today, were at one time conforming, or they would not have been platted or approved as part of a past subdivision. They are most often rendered "nonconforming" by the adoption of later codes, which changed the dimensional zoning requirements within the districts. **The proposed solution retains the required variance on nonconforming lots in the multi-family and commercial districts**, but changes the required special exception and/or site plan on nonconforming lots in the single-family districts to be permitted by right under the code, if the nonconforming lots still matches the metes and bounds (same size and boundaries) of the original lot OR was developed with an approved and permitted single-family dwelling in the past.

This matter was reviewed by the Planning & Zoning Commission in 2021 and again in 2023. Although the Planning & Zoning Commission supported this code change, the Town Council did not adopt the proposed ordinance at two public meetings in 2021 and at one public meeting in 2023.

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE IV, NONCONFORMITIES, DIVISION 4. – LAND AT SECTION 134-446; ARTICLE VI, DISTRICT REGULATIONS, DIVISION 2. - RAA, DIVISION 3.- R-A AND DIVISION 4.-R-B AT SECTIONS 134-793, 134-843 AND 134-893, RESPECTIVELY, TO SIMPLIFY THE PROCESS FOR DEVELOPMENT OF SINGLE-FAMILY DWELLINGS ON CERTAIN NONCONFORMING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 134, Zoning Article IV, Nonconformities, Division 4.- Land, is hereby amended as follows:

Sec. 134-446. Development and redevelopment of nonconforming residential lots.

- (a) ~~Vacant~~ Land located in any zoning district which does not conform to the minimum requirements of lot dimension or lot area as required by the schedule of lot, yard and bulk regulations for the district as given in article VI of this chapter may be developed or redeveloped as allowed in subsections (b) and (c) provided that ~~multi-family residential use and single-family residential use~~ does not exceed the maximum density allowed for the site, as identified in chapter 134 and the Future Land Use Element in the town's comprehensive plan. ~~Development of a single-family residential dwelling unit on a vacant residentially zoned lot which has existed in the same configuration for a minimum of 30 years is allowed subject to subsection (b) or (c), whichever is relevant.~~
- (b) The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements in the R-C, R-D(1), R-D(2), C-TS, C-WA, C-OPI, C-PC, C-B and PUD zoning districts shall be subject to an application to the town council for a variance. A variance to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.
- (c) ~~The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements~~ A single-family dwelling, along with ancillary accessory structures, may be developed on a nonconforming lot in the R-AA, R-A and R-B zoning districts provided that the lot contained a single-family dwelling and the lot retains the same size and configuration as when the previous single-family dwelling was constructed on the lot. ~~shall be subject to an application to the town council for special exception and/or site plan review as provided for in subsections 134-~~

~~793(b), 134-843(b) and 134-893(b). A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 2. Chapter 134, Zoning Article VI, District Regulations, Division 2. R-AA, is hereby amended as follows:

Sec. 134-793. Lot, yard, and area requirements—Generally.

- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-AA zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Code requirements. ~~however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 3. Chapter 134, Zoning Article VI, District Regulations, Division 3. R-A, is hereby amended as follows:

Sec. 134-843. Lot, yard, and area requirements—Generally.

- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-A zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Code requirements. ~~however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 4. Chapter 134, Zoning Article VI, District Regulations, Division 4. R.B, is hereby amended as follows:

Sec. 134-893. Lot, yard, and area requirements—Generally.

- (c) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-B zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Code requirements. ~~however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or~~

~~redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 5. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 6. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2025; and for the Second and Final Reading on this ____ day of ____, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building
James Murphy, Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #3: Angle of Vision

Date: 7/28/2025

ATTACHMENTS:

Staff Report - Quick Fix #3 Angle of Vision

Draft Ordinance - Quick Fix #3 Angle of Vision

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on July 9, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are affectionately referred to as "Quick Fixes Traunch 01." The presentation was well received with six of the seven "items" to be drafted into a working draft ordinance for review. This is item number three from that group.

Staff is proposing eliminating the angle of vision requirement for one-story buildings. The proposed Ordinance No. XXX-2025 defines the purpose of the angle of vision, how it is calculated, how it is used in site configuration, and removes the angle of vision requirement for one-story buildings. If acceptable, staff recommends that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

For some time, staff and members of the design community have questioned the merit of the angle of vision. The original intent of this zoning tool was to push the peripheral front and sides of a new building back from the street and side neighboring properties. While this can be helpful for two-story buildings, the requirement does little for one-story buildings than provide the need for zoning variances. Over the past six years, 17 variance requests have been made relative to the angle of vision, all of which were approved. Just this year, 5 of these have been for one-story residences. The direction provided by Town Council for immediate consideration is the removal of its applicability for one-story residences.

Staff has defined what the angle of vision is and how it is measured. A new graphic is forthcoming that will hopefully help explain the zoning concept.

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB:JGM

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING AT, -ARTICLE I, -IN GENERAL, BY AMENDING SECTION 134-2 DEFINITIONS; AT ARTICLE, VI, DISTRICT REGULATIONS, DIVISION 2.- R-AA LARGE ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-793; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 3.- R-A ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-843; AND AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4.- R-B LOW DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-893 TO DEFINE BUILDING ANGLE OF VISION AND TO REMOVE THE BUILDING ANGLE OF VISION REQUIREMENT FOR ONE-STORY BUILDINGS AND BUILDINGS ON LOTS FRONTING ON CUL-DE-SACS IN THE R-AA, R-A AND R-B RESIDENTIAL DISTRICTS,—; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. Chapter 134, Zoning Article I. -IN GENERAL, Section 134-2. – Definitions and rules of construction.

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. A triangular field defined on a site plan that generates the area in which a two-story structure may be sited in the front of a property in an effort to limit the visual mass of the building when viewed from the street. It is determined by 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. No portion of any individual two-story building that is not on a lot fronting on a cul-de-sac shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line.~~

INSERT GRAPHIC HERE

Section 3. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 2.- R-AA LARGE ESTATE RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-793. Lot, yard and area requirements—Generally.

(a) Schedule of regulations. In the R-AA large estate residential district, the schedule of lot, yard and area requirements is as given in this section:

(6) Building ~~a~~Angle of vision. The base building angle of vision ~~(front setback)~~ is 100 degrees.

a. The building angle of vision shall not apply for one-story buildings.

a.b. The Building-building angle of vision shall not apply to buildings on ~~is not applicable to~~ lots fronting on cul-de-sacs.

b.c. No portion of any individual building shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line. For lots exceeding the minimum required width, the base building angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 50 feet in the R-AA district.

e.d. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.

d.e. In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.

e.f. For exceptions to these regulations, see section 134-795.

f.g. For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.

Section 4. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 3.- R-A ESTATE RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-843. Lot, yard and area requirements—Generally.

(a) Schedule of regulations. In the R-A estate residential district, the schedule of lot, yard and area requirements is as given in this section:

(6) Building ~~a~~Angle of vision. The base building angle of vision ~~(front setback)~~ is 100 degrees.

- ~~a. a.~~ The building angle of vision shall not apply for one-story buildings.
- ~~b. b.~~ The building angle of vision shall not apply to buildings is not applicable to on lots fronting on cul-de-sacs.
- ~~c. b.~~ No portion of any individual building shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line. For lots exceeding the minimum required width, the base building angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 50 feet in the R-A district.
- ~~d. e.~~ In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
- ~~e. d.~~ In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
- ~~f. e.~~ For exceptions to these regulations, see section 134-845.
- ~~g. f.~~ For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as a separate structure and individually subject to the building angle of vision.

Section 5. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 4.- R-B LOW DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-893. Lot, yard and area requirements—Generally.

- (b) Schedule of regulations. . In the R-B low density residential district, the schedule of lot, yard **and area requirements is as given in this section:**
 - (1) *Lot area.* The minimum lot area is 10,000 square feet. For lots of 20,000 or more square feet in the R-B district, except for those lots between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth, the following shall apply:
 - a. When the width of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum side yard setback and building angle of vision provisions of the R-A district.
 - b. When the width of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the building angle of vision provisions of the R-AA district, and lots of 150 feet or more in width shall have the following side yard setbacks: Lots of 150-154 feet in width are required to

have a 17.5 foot setback; lots of 155—159 feet in width are required to have a 20-foot setback; and for lots of 160 feet or more in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet.

- (6) Building angle of vision. The base building angle of vision is 100 degrees.
- ~~a. The building angle of vision (front setback) for one-story buildings is 100 degrees.~~
 - ~~b. The building angle of vision (front setback) for two-story buildings is 100 degrees.~~
 - a. The building angle of vision shall not apply for one-story buildings.
 - ~~e.b. The bBuilding angle of vision shall not apply to buildings on is not applicable to~~ lots fronting on cul-de-sacs.
 - ~~d.c. No portion of any individual building shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line.~~ For lots exceeding the minimum required width, the base angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 40 feet in the R-B district.
 - ~~e.d.~~ In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
 - ~~f.e.~~ In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
 - ~~g.f.~~ For exceptions to these regulations, see section 134-895.
 - ~~h.g.~~ For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.

Section 6. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 7. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 8. Codification.

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

Section 9. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this _____ day of _____, 2025; and for the Second and Final Reading on this _____ day of _____, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

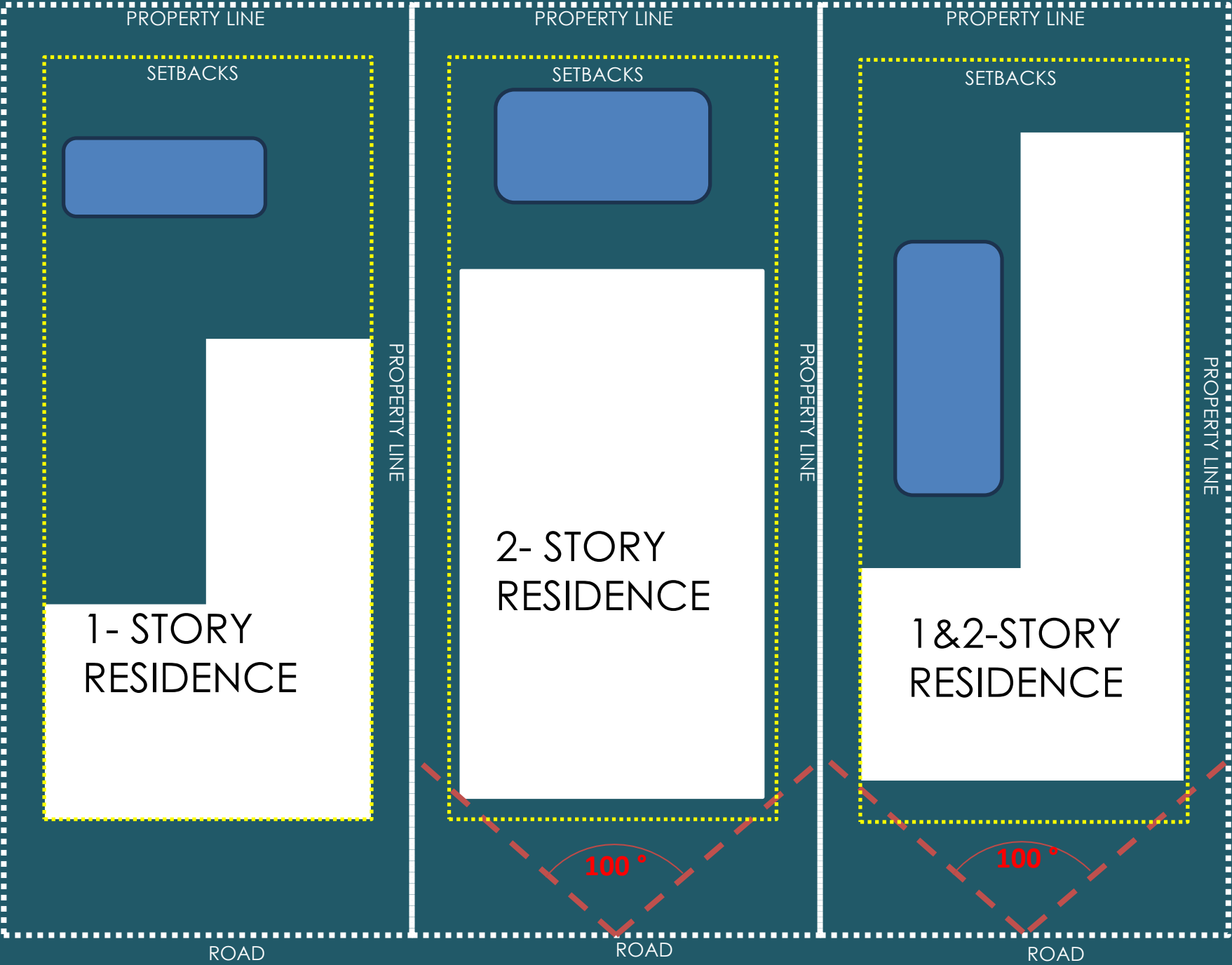
Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member



ANGLE OF VISION TO BE USED FOR 2-STORY RESIDENCES AND 2-STORY RESIDENCES WITH 1-STORY ELEMENTS.

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building
James Murphy, Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #4: Residential use in Commercial Districts Default to R-C

Date: 7/28/2025

ATTACHMENTS:

Staff Report - Quick Fix #4: Residential use in Commercial Districts Default to R-C

Draft Ordinance - Quick Fix #4: Residential use in Commercial Districts Default to R-C

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on July 9, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are affectionately referred to as "Quick Fixes Traunch 01." The presentation was well received with six of the seven "items" to be drafted into a working draft ordinance for review. This is item number four from that group.

Staff is proposing eliminating Section 134-231 under the Special Exception review of Town Council powers, that requires when granting a Special Exception for residential use within the C-TS, C-WA or C-OPI commercial district or above the first floor in the C-TS, C-WA, or C-PC district that the residential use or residential story ***"shall conform to the lot, yard, and bulk regulations of the R-C residential district."*** The proposed Ordinance No. XXX-2025 removes this section from the zoning code. If acceptable, staff recommends that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

It is architecturally and urbanistically illogical to apply a residential-commercial (R-C) zoning district, which is intended to maintain spacious single-family residential environments, to a floor within an urban commercial building. New second-floor commercial/office buildings typically have contextual and set-back regulations, as outlined in the Worth Avenue Design Guidelines. Let the underlying commercial zoning regulations prevail regardless of the second floor's use. It is bad design and even worse zoning policy to have differing setbacks in floors of buildings based on use. Research and urban planning trends support the idea that vibrant and successful commercial streets benefit significantly from a mix of uses, particularly with residences located above ground-floor retail establishments

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB:JGM

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE II, ADMINISTRATION, DIVISION 4. – SPECIAL EXCEPTIONS, VARIANCES, AND DIMENSIONAL WAIVERS, SUBDIVISION III. - SPECIAL EXCEPTIONS BY REPEALING SECTION 134-231.-RESIDENTIAL USE IN C-TS, C-WA OR C-OPI DISTRICT; ONE-FAMILY USE ABOVE FIRST FLOOR IN C-TS, C-WA OR C-PC DISTRICT AND BY RENUMBERING SECTION 134-232.-PREFERRED LOCATION OF GROUP HOMES AND FOSTER CARE FACILITIES AND SECTION 134-233.-APPLICABILITY OF WORTH AVENUE DESIGN GUIDELINES IN C-WA DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapter 166, Florida Statutes, to adopt such regulations as it deems appropriate to further the health, safety, and welfare of its residents;

WHEREAS, Section 134-231 of the Town’s Zoning Code currently requires that any residential special exception use within the Town-Serving (C-TS), Worth Avenue (C-WA), or Office, Professional and Institutional (C-OPI) commercial districts, or any one-family residential use above the first floor within the C-TS, C-WA, or Planned Center (C-PC) commercial districts “conform to the lot, yard, and bulk” requirements of the R-C Medium Density Residential District; and

WHEREAS, “[t]he purpose of the R-C medium density residential district is to maintain a generally spacious environment for residential uses,” Zoning Code Sec. 134-941, and, therefore, the lot, yard, and bulk regulations of the R-C district vary from those governing urban commercial districts in the Town; and

WHEREAS, the Town's Planning, Zoning & Building (PZB) staff report that research and urban planning trends indicate that vibrant and successful commercial streets benefit significantly from a mix of uses, particularly with residents located above ground-floor retail establishments, and further report that the underlying commercial zoning regulations should prevail regardless of any additional residential use; and

WHEREAS, the Town's PZB staff have recommended that Section 134-231 of the Zoning Code be repealed in its entirety.

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

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. Chapter 134, Zoning Article II, Administration, Division 4.- Special Exceptions, Variances, And Dimensional Waivers, Subdivision III, -Special Exceptions is hereby amended by repealing Section 134-231 in its entirety as follows:

Sec. 134-231. - Residential use in C-TS, C-WA or C-OPI district; one-family use above first floor in C-TS, C-WA or C-PC district.

- a. -When any residential use is approved as a special exception use as provided for within the C-TS, C-WA, or C-OPI commercial district, it shall conform to the lot, yard, and bulk regulations of the R-C residential district and, if appropriate, division 9 of article VIII of this chapter and subdivision II of division 10 of article VIII of this chapter.
- b. -When a one-family residential use is approved as a special exception use above the first floor within the C-TS, C-WA, or C-PC district, the residential story shall conform to the lot, yard, and bulk requirements of the R-C residential district.

Section 3. Chapter 134, Zoning Article II, Administration, Division 4.- Special Exceptions, Variances, And Dimensional Waivers, Subdivision III, -Special Exceptions is hereby amended by renumbering Sections 132-232 and 134-233 as follows

Sec. 134-2312. - Preferred location of group homes and foster care facilities.

With reference to group homes and foster care facilities, locations in proximity to the town center and commercial areas are preferred because of the greater availability of goods and services, both public and private.

(Ord. No. 2-74, § 6.40(p), 3-26-74; Ord. No. 3-77, § 11, 3-29-77; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 12, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 1-85, §§ 3(b), 4(d), (e), 2-11-85; Ord. No. 1-90, § 4(d), 2-5-90; Ord. No. 1-91, § 4(c), (d), 4-23-91)

Sec. 134-2323. - Applicability of Worth Avenue Design Guidelines in C-WA district.

(a)Special exceptions in the C-WA district which involve special allowances pertaining to residential uses, height or coverage, as referenced in section 134-1165, shall be based upon the Worth Avenue Design Guidelines and contingent upon review and recommendation by the architectural commission.(b)The architectural commission, in order to make a positive recommendation, must make an affirmative finding that the proposed special exception is meritorious to the town because of its general appearance and adherence to the Worth Avenue Design Guidelines, published by Adley, Brisson, Engman, Inc.(c)The Worth Avenue Design Guidelines are incorporated and adopted as part of this chapter as if fully set forth in this section.

~~6-~~ (Ord. No. 2-74, § 6.40(q), 3-26-74; Ord. No. 3-77, § 11, 3-29-77; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 12, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 1-85, §§ 3(b), 4(d), (e), 2-11-85; Ord. No. 1-90, § 4(d), 2-5-90; Ord. No. 1-91, § 4(c), (d), 4-23-91)

Secs. 134-233—Reserved.

Section 34. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 54. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 56. Codification.

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

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2025; and for the Second and Final Reading on this ____ day of ____, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building
James Murphy, Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #5 Appeals

Date: 7/23/2025

ATTACHMENTS:

Staff Report - Quick Fix #5 Appeals

Draft Ordinance - Quick Fix #5 Appeals

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on July 9, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are affectionately referred to as "Quick Fixes Traunch 01." The presentation was well received with six of the seven "items" to be drafted into a working draft ordinance for review. This is item number five from that group.

The regulations for appeals of Arcom decisions are found in Chapter 18; the regulations for appeals of Landmark Preservation Commission decisions are found in Chapter 54; and the regulations for various appeals heard by the Town Council are found in Chapter 134. Staff would like to respectfully suggest consideration of the attached ordinance to unify the various appeal processes relating to PZB projects.

DISCUSSION:

The regulations for Arcom appeals and Landmark appeals differ from the regulations for zoning appeals. Three distinct code chapters are involved in this proposal. The goal of this "quick fix" is to provide uniformity between the various appeals, similar to what we did three years ago with the Uniform Development Review Procedures.

Arcom and Landmarks require an applicant or interested party to file an appeal within 10 days of a decision rendered by the commissions or staff. The Zoning Code requires an applicant to file an appeal within 30 days of the rendered decision. Staff has heard from residents that the 10-day period is a very tight timeline in which to file an appeal. We propose making consistent the maximum time in which to file an appeal and propose 30 days. The number of days throughout the affected sections are now "calendar" days, which will be easier to calculate and understand.

Language in Sections 18-177 and 54-41 was simplified and written to address both appeals of commission decisions and staff decisions. The term "building official" was changed throughout the sections to become "director of planning, zoning and building". The Town Clerk is designated to receive all appeals.

The Zoning Code Appeal language was revised to uniformly address appeals of staff and appeals of the two commissions.

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, IMPROVING THE UNIFORMITY OF THE APPEALS PROCESSES FOR DEVELOPMENT REVIEW MATTERS BY AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 2, ARCHITECTURAL COMMISSION, SECTION 18-177, APPEALS AND REVIEW; BY AMENDING CHAPTER 54, HISTORICAL PRESERVATION, ARTICLE II, LANDMARKS PRESERVATION COMMISSION, SECTION 54-41; AND BY AMENDING CHAPTER 134, ZONING, ARTICLE II, ADMINISTRATION, DIVISION 3, APPEALS, SECTIONS 134-141 THROUGH 134-145 AND SECTION 134-174; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 18, Buildings and Building Regulations, Article III, Architectural Review, Division 2, Architectural Commission, Section 18-177, Appeals and Review, is hereby amended as follows:

“Sec. 18-177. - Appeals and review.

An applicant or any interested party may file an appeal to the town council on any ruling by the architectural commission or the director of the planning, zoning and building department or his/her designee made pursuant to this article. The appeal shall take the form of a letter addressed to the town clerk ~~and shall be based upon the record. In the case of an appeal from the architectural commission, the appeals shall be filed or made within ten calendar days of the date of the meeting at which the decision of the commission is rendered. In the case of an appeal from the decision of the director of planning, zoning and building, the appeal shall be filed or made within ten calendar days of the date the director of the planning, zoning and building department or his or her designee renders the decision in writing. The appeal shall be filed or made within ten thirty (30) calendar days of the date of the rendered development order or written decision.~~ Appeals shall set forth the alleged inconsistency or nonconformity with procedures, ~~or criteria, set forth in this article or~~ standards set forth ~~in this article or pursuant to this Code.~~ The town council shall decide an appeal within 45 calendar days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the architectural commission or director of the planning, zoning and building department or his/her designee until the town council has decided the appeal. The town council may review any decision of the architectural commission or the director of the planning, zoning and building department and ~~its their~~ disposition of the matter shall

~~be final. In addition to appeals, the town council shall consider major projects as defined in the ARCOM Project Designation Manual at the next regularly scheduled town council meeting, subsequent to the meeting of the commission.~~ The disposition of such matters by the town council shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

In addition to appeals, the town council shall consider major projects as defined in the ARCOM Project Designation Manual at the next regularly scheduled town council meeting, subsequent to the meeting of the commission.”

Section 2. Chapter 54, Historical Preservation, Article II, Landmarks Preservation Commission, Section 54-41, is hereby amended as follows:

Sec. 54-41. - Appeals and review.

The applicant or any interested party may file an appeal to the town council on any ruling by the landmark preservation commission or the building official director or planning, zoning and building department or his/her designee made pursuant to this chapter. The appeal shall take the form of a letter addressed to the town clerk and shall be based upon the record. The appeal shall be filed or made within ten thirty (30) calendar days of the date of the rendered development order or written decision. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this chapter. The town council shall decide an appeal within 45 calendar days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the landmark preservation commission or building official director of the planning, zoning and building department until the town council has decided the appeal. The town council may review any decision of the landmark preservation commission or the building official director of planning, zoning and building department, and their disposition of the matter shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

Section 3. Chapter 134, Zoning, Article II, Administration, Division 3, Appeals, Sections 134-141 through 134-145 and Section 134-174, are hereby amended as follows:

“Sec. 134-141. - Town council powers.

The town council shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter, the architectural commission in accordance with Chapter 18, Article III, or the landmark preservation commission in accordance with Chapter 54.

Sec. 134-142. - Exercise of town council powers.

In exercising its powers, the town council may, upon appeal, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by an administrative official in the enforcement of this chapter, the architectural commission, or the landmark preservation commission, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer or commission from whom the appeal is taken. The concurring vote by three-fifths of all the members of the town council shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or commission or to decide in favor of the applicant on any matter upon which the town council is required to pass under this chapter. In the event of a tie vote, the mayor shall cast the deciding vote, which shall constitute the three fifth's requirement of the town council stated herein.

Sec. 134-143. - Persons authorized to appeal.

Appeals to the town council may be taken by any person aggrieved or by any officer, board or bureau of the town affected by any decision of an administrative official or commission under any section of this chapter.

Sec. 134-144. - Stay of work on premises.

Under this chapter, an appeal to the town council stays all work on the premises which is in furtherance of the action appealed from, unless the official or commission chairperson from whom the appeal was taken shall certify to the town council that, because of facts stated in the certificate, a stay would cause imminent peril to life and property, in which case, proceedings or work shall not be stayed except by a restraining order which may be granted by the town council or by a court of competent jurisdiction on application, on notice to the officer or commission chairperson from whom the appeal is taken, and on due cause shown of imminent peril to life and property.

Sec. 134-145. - Hearing procedure.

Any person appealing any decision of an administrative official made under this chapter, the architectural commission, or the landmark preservation commission, shall make such appeal within 30 calendar days after rendition of the written order, requirement, decision, or determination that is being appealed, or the right to appeal shall be barred. Such appeal shall be filed in writing or electronically to the director of planning zoning and building town clerk for consideration by the town council. The filing shall include a recorded disk or the documents which contain all supporting facts, and data and appropriate exhibits, plans, documents and other materials to adequately depict and support the appeal, including a verbatim transcript of the commission hearing relative to the item, and fees for the appeal. Upon receipt of the appeal, the following procedures shall be followed:

- (1) The ~~director of planning, zoning and building town clerk~~ shall examine such appeal and make a recommendation thereon, and shall forward such recommendation to town council, together with all documents, plans, and/or other materials that constitute the record of the action that is being appealed.
- (2) All appeals will be heard at regular meetings of the town council unless otherwise ordered by the town council and in accordance with sections 134-141, 134-142, 134-201, 134-226, ~~18-177 and 54-41~~.
- (3) Postponement requests for deferred action on any appeal will be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date, except for good cause shown.
- (4) When an appeal is deferred or postponed because the town council determines that additional professional advice is necessary, the expense of obtaining such additional professional advice shall be borne by the appellant. The person to render or give such additional professional advice shall be selected by mutual agreement of the town and appellant.

Sec. 134-174. - Judicial remedy by circuit court.

Any person aggrieved by any decision of the town council made pursuant to this chapter, on appeal within 30 ~~calendar~~ days from the rendition of such decision, may appeal to the circuit court for the 15th judicial circuit for a writ of certiorari to review such decision of the town council.”

Section 4. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2025; and for the Second and Final Reading on this ____ day of ____, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building
Draft Ordinance - Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #6 Duration of Land Use Approval & Extension of Time

Date: 7/29/2025

ATTACHMENTS:

Staff Report - Quick Fix #6 Duration of Land Use Approval & Extension of Time

Draft Ordinance - Quick Fix #6 Duration of Land Use Approval & Extension of Time

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on July 9, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are affectionately referred to as "Quick Fixes Traunch 01." The presentation was well received with six of the seven “items” to be drafted into a working draft ordinance for review. This is item number six from that group.

Staff is proposing to synchronize all development review approval timeframes. Currently ARCOM, LPC, and Town Council provide approval durations of varying lengths (ARCOM:12 months, LPC: 12 months, Town Council: 36 months), resulting in confusion amongst applicants having an expired approval from a design board while still having a valid approval from Town Council for items such as variances for the same project/scope of work.

The following Sections would need to be amended in the code:

- Sec. 18-203 – Duration of approval; time extension; denial of application; determination; clarification; deferral. (Architectural Review)
- Sec. 54-94 - Duration of approval; time extension; denial of application; determination; clarification; deferral. (Certificate of Appropriateness)
- Sec. 134-173 - Deferral request; denial of application; duration of approval; time extension; clarification. (Special Exceptions, Variances, and Dimensional Waivers)

The proposed Ordinance No. XXX-2025 amends these sections in the zoning code to reflect twenty-four (24) months. If acceptable, staff recommends that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

In recent years construction has taken longer due to many factors including supply chain delays and the redesigning of projects as they evolve. By providing a longer and more consistent duration of development approvals for the design boards (ARCOM and LPC) and lowering the time duration of Town Council a project can progress with a consistent time schedule. Currently the two design boards allow for a twelve (12) month time frame and Town Council provides for thirty-six (36) months. Options to streamline the process could land on any timeframe but eighteen (18) or twenty-four (24) months is an often-used metric in other municipalities and the timeframe we see requested in the Town via extensions. Very minor language has also been adjusted for extensions of time and that the decision is rendered based off the development order making Town processes clearer and more consistent. The ordinance has been written utilizing a two-year time frame.

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB:JGM:FHM

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, -ARCHITECTURAL REVIEW, **AT** SECTION 18-203 DURATION OF APPROVAL; TIME EXTENSION; DENIAL OF APPLICATION; DETERMINATION; CLARIFICATION; DEFERRAL; **AMENDING, AND** CHAPTER 54, HISTORICAL PRESERVATION, ARTICLE III – CERTIFICATE OF APPROPRIATENESS, DIVISION 2-PROCEDURES AND EFFECT, **AT** SECTION 54-94 – DURATION OF APPROVAL; TIME EXTENSION; DENIAL OF APPLICATION; DETERMINATION; CLARIFICATION; DEFERRAL; AND **AT** CHAPTER 134- ZONING, DIVISION 4-SPECIAL EXCEPTIONS, VARIANCES, AND DIMENSIONAL WAIVERS, SUBDIVISION 1 – IN GENERAL, **AT** SECTION 134-173 – DEFERRAL REQUEST **TO CONFORM ALL DEVELOPMENT REVIEW APPROVAL TIMEFRAMES AT 24 MONTHS**; DENIAL OF APPLICATION; DURATION OF APPROVAL; TIME EXTENSION; CLARIFICATION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. Chapter 18 - Buildings and Building Regulations, Article III. – Architectural Review, Division 3 – Procedures and Requirements **Sec. 18-203. - Duration of approval; time extension; denial of application; determination; clarification; deferral.**

(1) The applicant's approval will expire **12 24** months from the date of the **rendered development order or written decision** ~~meeting at which the decision was rendered~~, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within **12 24** months from the date of **approval the rendered development order or written decision**, the commission approval becomes void. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project. The director of planning, zoning and building may, based upon demonstrated good cause, grant a 30-day administrative extension of the duration of approval.

(2) A maximum of one-time extension, for up to one year in duration from the original expiration date, from any of the requirements in subsection (1), may be granted or denied by the architectural commission for just cause. Said single time extension request shall be

submitted ~~within the timeframe set forth in Chapter 18 in writing~~ to the planning, zoning and building department ~~at least two weeks prior to an architectural commission meeting~~, which must occur prior to the expiration date, ~~or said approval shall expire.~~

(3) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.

(4) Determinations of the architectural commission shall be rendered in writing.

(5) Should a question arise as to compliance with the conditions as outlined by the architectural commission actions, a clarification hearing before the architectural commission may be called at the request of the director of the planning, zoning and building department, or by the applicant, and placed on the next available agenda.

(6) Deferrals for a specific application shall not exceed one year cumulatively for all such deferrals made by the architectural commission, or the application shall be deemed null and void.

(7) An initial deferral request received by the town more than seven days prior to scheduled commission hearing date may be granted for one month only or the next succeeding regular commission meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the commission meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A second request for deferral shall be made in person at the commission meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the commission that a compelling reason exists.

Section 3. Chapter 54 - Historical Preservation, Article III – Certificate of Appropriateness, Division 2 – Procedures and Effect, **Sec. 54-94. - Duration of approval; time extension; denial of application; determination; clarification; deferral.**

(1) The applicant's approval will expire ~~12 24~~ months from the date of the ~~meeting at which the decision was rendered-rendered development order or written decision~~, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within ~~12 24~~ months from the date of ~~the rendered development order or written decision~~approval, the commission approval becomes void. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project. The director of planning, zoning and building may, based upon demonstrated good cause, grant a 30-day administrative extension of the duration of approval.

(2) A maximum of one-time extension, for up to one year in duration from the original expiration date, from any of the requirements in subsection (1), may be granted or denied by the landmarks preservation commission for just cause. Said single time extension request shall be submitted ~~within the timeframe set forth in Chapter 18 in writing~~ to the planning, zoning and building department ~~at least two weeks prior to an landmarks preservation commission meeting~~, which must occur prior to the expiration date, ~~or said approval shall expire.~~

(3) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.

(4) Determinations of the landmarks preservation commission shall be rendered in writing.

(5) Should a question arise as to compliance with the conditions as outlined by the landmarks preservation commission actions, a clarification hearing before the landmarks preservation commission may be called at the request of the director of the planning, zoning and building department, or by the applicant, and placed on the next available agenda.

(6) Deferrals for a specific application shall not exceed one year cumulatively for all such deferrals made by the landmarks preservation commission, or the application shall be deemed null and void.

(7) An initial deferral request received by the town more than seven days prior to scheduled commission hearing date may be granted for one month only or the next succeeding regular commission meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the commission meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A second request for deferral shall be made in person at the commission meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the commission that a compelling reason exists.

Section 4. Chapter 134 - Zoning, Division 4 – Special Exceptions, Variances, and Dimensional Waivers, Subdivision 1 – In General, **Sec. 134-173. - Deferral request; denial of application; duration of approval; time extension; clarification.**

(1) An initial deferral request received by the town more than seven days prior to scheduled town council hearing date may be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the town council meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the town council may approve or deny. A second request for deferral shall be made in person at the town council meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the town council may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the town council that a compelling reason exists. Any deferral which is required due to a case being deferred by the architectural commission or landmark preservation commission shall be an exception to the regulation above. In no case shall a deferral exceed six months.

(2) An application request seeking substantially the same relief cannot be accepted for consideration after it has been denied by the town council until after 12 months have elapsed from the date of denial.

(3) The work or use authorized under an approved variance or special exception application must be commenced within ~~36~~ 24 months from the date of the ~~town council approval thereof rendered development order or written decision~~, and if not so commenced the special exception or variance shall be null and void. Commencement shall be considered at the issuance of a building permit for the work related to the application or a business tax receipt if no building permit is required. In addition, all authorized work under the building permit for said approved special exception or variance must be completed within the timeframe set forth in [Chapter 18](#) of this Code or said special exception or variance shall expire.

(4) A request for a time extension from any of the requirements in subsection (3) may be granted or denied by the town council for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least one month prior to the expiration date or said special exception or variance approval shall expire.

(5) Should a question arise as to compliance with the conditions as outlined by the town council actions, a clarification hearing before the town council may be called at the request of the director of the planning, zoning and building department, or by the applicant, and placed upon the next available agenda.

Section 5. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 6. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 7. Codification.

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

Section 8. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2025; and for the Second and Final Reading on this ____ day of ____, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

DRAFT

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 5, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building
James Murphy, Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #7 Floodplain Notice

Date: 7/25/2025

ATTACHMENTS:

Staff Report - Quick Fix #7 Floodplain Notice

Draft Ordinance - Quick Fix #7 Floodplain Notice

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on July 9, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are affectionately referred to as "Quick Fixes Traunch 01." The presentation was well received with six of the seven "items" to be drafted into a working draft ordinance for review. This is item number seven from that group.

Staff is proposing eliminating the notice requirements for floodplain variances that are approved by the Landmarks Preservation Commission (LPC). This change would apply only to projects that have already received the necessary LPC approvals for any new construction, addition, and/or exterior alterations. Ordinance No. XXX-2025 proposes exempting floodplain variance from newspaper advertisements, mailed notices, and on-site posting requirements. If acceptable, staff recommends that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

During the permitting stage, projects initially not anticipated to exceed the substantial improvement threshold may discover that a floodplain variance is required. This is necessary to avoid elevating residential structures or adding floodproofing for commercial properties.

Under the current process, notice requirements can delay the LPC review by one to two months. Since floodplain variances are a valuable tool for preserving historic structures (Landmarked and Historically Significant Buildings), and are essential to maintaining the Town's streetscapes, streamlining the review process is both practical and beneficial.

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB/JGM/AF/FHM

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 54, HISTORIC PRESERVATION, ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 2, PROCEDURES AND EFFECT, AT SECTION 54-93, UNIFORM DEVELOPMENT REVIEW PROCEDURES, TO CHANGE THE NOTICE REQUIREMENTS FOR CERTAIN FLOODPLAIN VARIANCE REQUESTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. Chapter 54, HISTORIC PRESERVATION, ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 2, PROCEDURES AND EFFECT, Section 54-93, Uniform development review procedures.

(4) *Notice of public hearings.* Public hearings for all development review projects, which includes the architectural review commission major projects, landmarks preservation commission certificates of appropriateness and floodplain variances, and town council special exceptions, variances, and site plan review, shall be noticed in accordance with the following provisions:

(a) *Advertisement.* At least 30 days prior to the public hearing date, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.

(b) *Mail notice.* At least 30 days prior to the public hearing date, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing, to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.

(c) *Posting.* At least 30 days prior to the public hearing, the town will post a copy of the hearing notice within a conspicuous place in Town Hall.

(d) Floodplain variances. For floodplain variance requestss that do not involve any new construction, additions, or exterior alterations or floodplain variance requests that involve new construction or additionsconstruction, additions, or exterior alterations that wereis otherwise approved by the Landmarks Preservation Commission, the notice requirements of subsections (a), (b), and (c) of this section are not applicable.

Section 6. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 7. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 8. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

Signatures on Next Page

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2025; and for the Second and Final Reading on this ____ day of ____, 2025.

Danielle H. Moore, Mayor

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ATTEST:

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