



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

SEPTEMBER 3, 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
Nicki McDonald, Member
Jorge Sanchez, Member
Michael Vincent John Spaziani, Member
Matthew Ailey, Alternate Member
Victoria Donaldson, Alternate Member
Anne Fairfax, Alternate Member

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES

1. Minutes of the August 5, 2025, Planning & Zoning Commission Meeting

APPROVAL OF AGENDA

COMMENTS

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

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

GENERAL BUSINESS

UNFINISHED BUSINESS

5. Discussion and Recommendation on Revised Town Resident Definition
6. Presentation and Discussion Regarding Quick Fix #1B Mechanical Equipment - Screening Wall
7. Verbal Code Review Update from the August Town Council Meeting

NEW BUSINESS

8. Zoning Code Items - Quick Fixes #8-14
 - 8.1 Quick Fix #8: Landmark Incentives
 - 8.2 Quick Fix #9: Open Space - Canopy Trees & Perimeter Natives
 - 8.3 Quick Fix #10: Awnings & Canopies
 - 8.4 Quick Fix #11: RD-2 Front Setbacks
 - 8.5 Quick Fix #12: Basements
 - 8.6 Quick Fix #13: Fill
 - 8.7 Quick Fix #14: Front / Rear Setbacks

ANY OTHER BUSINESS

MEETING SCHEDULE

9. The next meeting is scheduled for Tuesday, October 7, 2025, at 9:30 A.M.

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 August 5, 2025

CALL TO ORDER AND ROLL CALL

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

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

Absent: Marilyn N. Beuttenmuller

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

Clerk's Note: Alternate Members McDonald and Donaldson will be voting members due to the passing of Mr. Tatoes and the absence of Ms. Beuttenmuller

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 26, 2025, Planning and Zoning Commission Meeting

On page 3 of the Minutes, Mr. Spaziani corrected it to read "Mr. Spaziani stated that there are at least seven criteria to the legal definition of variance, and those criteria are not listed in the definition for variance."

A Motion was made by Mr. Gilbane and seconded by Mr. Spaziani to approve the Minutes of the June 26, 2025, meeting as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

2. OFFICIALS

There were none.

3. STAFF

There were none.

4. PUBLIC - 3 MINUTE LIMIT

Mr. Rick Smith, 130 Sunrise Avenue, expressed concerns regarding the Town's Comprehensive Plan and its role in an ongoing controversy involving the Town and the Paramount Theatre. He emphasized that the comprehensive plan takes precedence over zoning regulations, and any future agreements must be compliant. He thanked the Commission, staff, and residents for their work on the plan and explained that his purpose was to ensure everyone is informed and not "blindsided" later. He read excerpts from the plan highlighting its legal authority and focus on preserving quality of life, managing traffic, parking, and infrastructure, and preventing overdevelopment in low-density areas. He stressed that the Planning and Zoning Commission must follow the principles in the plan when making decisions, and that any actions violating the plan will face objections from residents in opposition to the Paramount. He respectfully requested that a formal letter be sent to the Town Council and Planning & Zoning office, advising them of current and future objections to any settlement that goes against the comprehensive plan.

Joanne O'Connor, Town Attorney, reminded the Commission that the Paramount matter is currently in litigation and will return to the Town Council in the fall. She noted that staff have been involved in mediation and advised them not to comment publicly. She also stated that sending the letter requested by Mr. Smith would be inappropriate for the Commission at this time.

UNFINISHED BUSINESS

5. Draft Work in Progress of Glossary of Terms

Ms. Hofmeister explained that the zoning code is a working draft document continually updated with new and revised definitions to align with the town's goals. The town planned to combine multiple chapters of the code into a comprehensive Land Development Regulation (LDR), incorporating architectural, environmental, and comprehensive plan terms. She noted that a revised angle of vision definition was revised in the glossary as will be presented by James Murphy, Assistant Director of Planning, Zoning, and Building under New Business. Also, the definitions for "town resident" and "permanent resident" are included in the backup materials. She encouraged feedback and offered to meet with anyone who had further input.

During the discussion, a suggestion was made to consider updating the terms "waiver" and "variance," especially since variances are being granted without true hardships; staff acknowledged the suggestion but said it would be addressed later due to time constraints. Ms. Hofmeister agreed this could be prioritized before the commercial section review and said criteria from other municipalities would be incorporated. She proposed bringing the item forward in September or October, according to the Commission's preference.

Mr. Christu asked about the design-related definitions and whether staff had sought input from architects or other skilled tradesmen. Ms. Hofmeister stated that staff were asking local architects to assist with the images to make them more easily definable.

Mr. Murphy, , responded to Ms. McDonald's question regarding input from architects. He confirmed that revised waiver and variance definitions would be brought to the Town Council and the Commission. He explained the changes were not a quick fix, as they primarily addressed landmark and historically significant structures where variances often involved setbacks to preserve historic buildings. The Landmarks Preservation Commission initiated the review and involved design and preservation staff, including Abraham Fogel and Frederic Mittner, in collaboration with the Preservation Foundation.

Mr. Murphy added that he and Ms. Mittner, along with local architects, were compiling a comprehensive list of architectural terms. These terms, used inconsistently and often undefined in the zoning code, would be standardized to ensure clear definitions with zoning implications. He noted that currently, such words are used intermittently and sometimes interchangeably throughout the zoning code, yet they are not defined.

Ms. Donaldson asked if the Commission was to focus on the new draft. Ms.

Hofmeister confirmed the new draft definitions list was distributed as a work in progress. Still, the day's focus remained on long-standing items directed by the Town Council for expedited action. She noted that questions on the draft could be addressed. The discussion turned to the "town resident" definition. Ms. Hofmeister explained that the code regulates the relationship between structures and land, not people, and that procedural matters – such as proving residency for parking passes, recreational discounts, or club memberships – belonged in departmental procedures, not the code. The goal was to maintain a general definition consistent with the comprehensive plan's resident-focused vision, while ensuring specifics were handled administratively rather than in zoning or environmental regulations.

Mr. Gilbane suggested that perhaps staff could provide the Commissioners with some background on all the places where residency matters, including sitting on a Commission or being elected to the Town Council. He felt this was more rules and ordinances than the zoning code. Ms. Hofmeister stated she could do that and maybe even put some notation in the definition for consistency. Ms. Coniglio disagreed with a nebulous glossary definition. However, she understood others' perspectives. Ms. Hofmeister understood but did not think the definition was appropriate in the zoning code, although Ms. Donaldson felt it would provide a frame of reference.

Ms. Hofmeister noted that she wanted to use the word "domicile" and requested input from the attorney. She reiterated that the code definition would not control issues like traffic but relates to resident parking and tennis team eligibility. In zoning, the focus remained on the relationship between buildings and land, with "town-serving" provisions aimed at limiting building size to serve local needs rather than attracting outside traffic.

Mr. Sanchez recalled a decades-old case where a non-property-owning lessee voted and influenced significant political change, questioning whether tax payment should define residency. Others agreed that while opinions varied, services and benefits already required proof of a connection to the town, whether through a specific or general residency definition.

Mr. Christu discussed balancing a general "town resident" definition with specific eligibility criteria for services or roles. The Commission agreed that requirements such as tax payment or lease terms could be applied procedurally rather than embedded in the code. Examples included allowing a long-term lessee to access recreational facilities while reserving eligibility for serving on a commission or running for Town Council to those meeting stricter criteria. This approach would maintain flexibility and avoid potential issues from overly rigid definitions in the zoning code. Mr. Christu discouraged a one-size-fits-all approach.

Ms. Coniglio questioned whether the definitions were specific enough to fulfill the

comprehensive plan's primary goal of protecting town residents. She noted the definition might not belong in the building code and asked whether this protection had already been adequately addressed in the comprehensive plan. Ms. Hofmeister explained that the comprehensive plan made its twelve elements specific to town residents, centering the community's vision on those who live there. The plan's current definition of a town resident, anyone residing for over three months, would be revised to align with whatever definition was adopted in the code. Until now, there was no definition in the code for "town resident," but one is being added. Ms. Coniglio sought confirmation that the proposed definitions, including "town resident," would be incorporated into the comprehensive plan. Ms. Hofmeister said absolutely. Ms. Coniglio expressed discomfort, questioning the clarity of language such as "someone who has made the town a permanent home, even if living temporarily elsewhere." She argued that the phrase lacked a clear standard, leaving "permanent" open to subjective interpretation and potential misuse. Ms. Donaldson agreed.

Mr. Sanchez suggested that maybe the staff had enough information to return to the next meeting with more concise information for discussion. It was agreed that Ms. Hofmeister would welcome emails or individual meetings with commission members on the definitions of "town resident" and "permanent resident" so they could review and make comments before the next meeting to streamline future discussions. The commission members emphasized that the definitions must focus on those who truly live in the town and consider it their home if applied to the comprehensive plan. Minor corrections, such as spelling issues, could be submitted individually, while substantive feedback would be provided through the upcoming review process.

Public Comments

Anita Seltzer, 44 Cocoanut Row, commented that part of the challenge was determining how to address "town-serving" provisions in the comprehensive plan. She cautioned that in the U.S., property ownership is not required to run for office, and linking taxpayer status to eligibility would create legal issues.

Mr. Spaziani noted that the definition of "lot" improperly used the word "lot" itself and suggested using "parcel of land" instead. Others agreed that similar issues existed throughout the document. The commission decided to send all comments to Ms. Hofmeister for consolidation, allowing her to prepare a revised draft with changes highlighted for review at their next meeting.

6. Verbal Code Review Update from July Town Council Meeting

Mr. Bergman provided a brief overview of the July Town Council meeting, noting that a new Chapter 135 zoning code was in development and would be presented in

sections as it was processed. In the meantime, seven “quick fix” amendments to the current code were identified and approved by the Town Council for the Planning and Zoning Commission to review. Mr. Bergman stated that Mr. Murphy would discuss and explain the proposed changes in detail. Mr. Bergman noted that the staff had been drafting memos and proposed draft ordinances that Joanne O’Connor, Town Attorney, had reviewed and was ready to move forward. However, the staff needed a consensus from the Commission that the changes were good.

NEW BUSINESS

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

7.1 Quick Fix #1: Mechanical Equipment

Mr. Murphy explained the placement of Mechanical Equipment, the height of the screening wall, and the flood elevation. He reviewed the proposed quick-fixes and the seven accompanying draft ordinances. He noted that each identifying factor had been presented to the Town Council, which authorized staff to pursue the ordinances by introducing them to the Planning and Zoning Commission for review, discussion, and transmittal. The ordinances were drafted to address contradictions, inefficiencies, and unnecessary variances. He stated that four of seven were transferred favorably to the Town Council. Four items were zoning-code related, including mechanical equipment regulations, which remained a complex issue due to FEMA elevation requirements, height limits on screening walls, and rooftop placement restrictions. The remaining three items were procedural, such as standardizing appeals and streamlining time extensions. Mr. Murphy provided a timeline of discussions and actions regarding the code review. He stated that equipment screening walls would be presented to the PZC for their discussion and input. He discussed contradictions to the code that have proven frustrating for staff and property owners. He discussed options for changing the code. He discussed perceived problems and proposed solutions to address the issues with mechanical equipment placement.

7.2 Quick Fix #2: Nonconforming Lots

A special exception is required for an unplotted lot, and site plan review is required for a platted lot. Mr. Murphy discussed Nonconforming Parcels, the perceived problems, and the solutions proposed to address the issues.

7.3 Quick Fix #3: Angle of Vision

Mr. Murphy discussed Angle of Vision and the proposed solutions to prevent the appearance of mass and scale from the street.

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

Mr. Murphy discussed Commercial Districts with Residential Components and the proposed solutions. There was a brief discussion.

7.5 Quick Fix #5 Appeals

Mr. Murphy discussed the Appeals Criteria and the proposed solutions.

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

Mr. Murphy discussed Time Extensions and the proposed solutions.

7.7 Quick Fix #7 Floodplain Notice

Mr. Murphy discussed Floodplain Variances for landmarked homes and the proposed solutions.

A motion was made by Mr. Christu and seconded by Mr. Gilbane to recommend the seven (7) quick fixes, as outlined by staff, to the Zoning Code to the Town Council. The motion carried unanimously, 7-0.

ANY OTHER BUSINESS

Deputy Town Clerk Gayle-Gordon read the conflict of interest (Form 8B) filed by Chair Coniglio at the June 26, 2025, meeting into the record.

MEETING SCHEDULE

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

ADJOURNMENT

A motion was made by Mr. Sanchez and seconded by Mr. Spaziani to adjourn the August 5, 2025 Planning and Zoning Commission meeting at 11:07 AM. The motion carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Jennifer Hofmeister, AICP, LCAM, Planner III,

Re: Discussion and Recommendation on Revised Town Resident Definition

Date: 8/26/2025

RECOMMENDATION

Planning, Zoning and Building Department staff is requesting the Planning Commission to review the revised Town resident definition and make a recommendation to the Town Council. This recommendation will amend the adopted definition contained within the 2024 Comprehensive Plan and support the addition of this definition in the revised Zoning Code.

GENERAL INFORMATION

At the August 5, 2025, discussion of further revisions to the Town resident definition ended with the direction for staff to further refine. There was a general consensus that a resident is one who has made the Town their permanent home. Below is the new proposed definition, broken down into full-time and part-time residents.

Town resident (fulltime) means someone who is domiciled within the Town as evident by either (1) making their residence within the Town their permanent home by actually living there on a permanent basis, (2) filing and recording a declaration of domicile in the Public Records of Palm Beach County, Florida, (3) filing for homestead exemption on such residence and/or (4) registering to vote using the address of such residence.

Town resident (seasonal) means someone who owns or rents a residence within the Town but does not qualify as a full-time resident.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:
Quality of Life
Community Preservation

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #8: Landmark Incentives

Date: 8/26/2025

ATTACHMENTS

Staff Report

QF 8 Landmark Incentives Draft Ordinance CH 134

QF 8 Landmark Incentives Draft Ordinance CH 54

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on August 13, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are referred to as "Quick Fixes Tranche 02." The presentation was well received with a consensus of the Council to have the "items" placed into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number eight, which provides incentives for Landmarked properties and structures.

This "Quick Fix" provided changes to two Code Chapters – Chapter 54 - Historical Preservation, and Chapter 134 – Zoning.

In Chapter 54 – Historical Preservation, to improve the review process for exterior changes to Landmarked properties, staff proposes eliminating the current \$2,000 valuation cap for minor reviews. Removing this limit will allow routine, non-controversial projects, such as like-for-like material replacement, to be reviewed administratively, ensuring a faster and more efficient process.

Additionally, staff recommends renaming the existing *Landmarks Preservation Commission Project Designation Guide* as the *LPC Approval Guide* and formally incorporating it into the zoning code. This mirrors the treatment of the ARCOM Project Designation Matrix, which is already referenced in the code.

In Chapter 134 – Zoning, the code currently has provisions for dimensional waivers, which are not utilized since they are procedurally more difficult than variances. In an effort to recognize the unique characteristics of Landmarked properties and structures and the need to provide a more streamlined process for relief requests, the dimensional waivers are being amended and rebranded as dimensional adjustments as they apply to Landmarks.

Key changes include limiting the relief to single-family properties, expanding provisions for the restoration/renovation of nonconforming Landmarks, and diversifying the relief available for the expansion of structures.

If acceptable, staff recommends that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

In Chapter 54 – Historical Preservation, minor projects affecting Landmarked properties often exceed the current \$2,000 threshold, which would unnecessarily

require commission review. Eliminating the cap would expedite approvals for these smaller-scale changes by allowing administrative review.

The *Landmarks Preservation Commission Project Designation Guide* is not presently referenced in the code. Staff proposes adding such a reference, enabling the guide to be updated periodically by Town Council upon LPC recommendation. Once adopted, staff will present a revised guide designed to further streamline the review process.

In Chapter 134 – Zoning, the proposed amendments are summarized below:

- Limits landmarks adjustments to single-family structures/properties.
- Revises criteria for the granting of an adjustment.
- Removes front setback relief.
- Revises side/rear setbacks.
- For the restoration/renovation of nonconforming landmarks, providing a decrease of lot coverage, and increasing angle of vision, cubic content ratio, height/overall height, and building height plane.
- For the expansion of landmarks, providing an increase of lot coverage and CCR, and lowering the landscape open space relief.
- Adds subsections on notice, approval duration, time extensions, and appeals (cross-referencing Chapter 54).

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 134, ZONING, ARTICLE I, IN GENERAL, AT SECTION 134-2, RELATED TO BUILDING HEIGHT POINT OF MEASUREMENT FOR ADDITIONS TO LANDMARKED STRUCTURES; ARTICLE II, ADMINISTRATION, DIVISION 4, SPECIAL EXCEPTIONS, VARIANCES, AND DIMENSIONAL WAIVERS, SUBDIVISION IV, DIMENSIONAL WAIVERS, AT SECTIONS 134-234, AMENDING TO DESCRIBE ADJUSTMENTS FOR LANDMARKED PROPERTIES AND STRUCTURES, AT SECTION 134-235, AMENDING THE GENERAL CONDITIONS; AT SECTION 134-237; AMENDING AND ADDING RELIEF FOR LANDMARKED PROPERTIES AND STRUCTURES; 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 Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

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 8 through 14 referred to as “Quick Fixes Tranche 2” to the Town Council for consideration at its August 13, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 8, that the Town update the Zoning Code’s Landmark Incentives relating to zoning and design; and

WHEREAS, Town Council on August 13, 2025, directed PZB staff to address the current Landmark Incentives (Quick Fix No. 8) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 2 at its meeting of September 2, 2025, and *recommended adoption of Quick Fix No.*

8.

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 I, In General, Section 134-2, Definitions and Rules of Construction, is hereby amended as follows:

Sec. 134-2. Definitions and Rules of Construction.

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 feature 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. For the purpose of constructing additions to Landmark structures, the planning, zoning, and building director or designee, shall determine from which street the point of measurement (zero datum) shall be measured to ensure visual compatibility.

Section 2. Chapter 134, Zoning, Article II, Administration, Division 4, Special Exceptions, Variances, and Dimensional Waivers, Subdivision IV, Dimensional Waivers, Section 134-234, Dimensional Waiver Described, is hereby amended as follows:

Sec. 134-234. Dimensional Waiver and Adjustment Described.

Waivers and adjustments providing for relief from the strict application of certain of the dimensional requirements of the zoning code are available for the following situations:

- (1) Additions to, or renovation of existing single-family development constructed prior to 1980. These waivers will be reviewed and approved or denied administratively by the director of the planning, zoning and building department.
- (2) Modifications to single-family landmarked structures or properties. These adjustments/waivers will be reviewed and approved or denied by the landmarks preservation commission and ratified by the town council.
- (3) Any additional relief beyond the prescribed dimensional waiver and/or landmark adjustment below herein shall be identified and reviewed as a variance and shall meet the established standards for granting a variance, in accordance with Section 134-201.

Section 3. Chapter 134, Article II, Administration, Division 4, Special Exceptions, Variances, and Dimensional Waivers, Subdivision IV, Dimensional Waivers Section 134-235, General conditions applicable to all dimensional waivers, is hereby amended as follows:

Sec. 134-235. General Conditions Applicable to All Dimensional Waivers and Landmark Adjustments.

- (a) Approval of the waiver or adjustment will not compromise traffic safety.
- (b) Approval of the waiver or adjustment will not compromise fire safety.
- (c) There shall be no objection of any abutting property owner(s). Approval of the waiver or adjustment will not have a materially negative impact on adjacent and surrounding properties, or mitigation is proposed that will address any negative impacts created by the dimensional adjustment.

Section 4. Section 134-237, Dimensional Waivers for Landmark Properties, is hereby amended as follows:

Sec. 134-237. Dimensional ~~adjustments~~waivers for single-family landmark properties.

The purpose and intent of this section is to provide owners of single-family landmark properties and structures with flexibility in the rehabilitation, expansion, and redevelopment of buildings and structures within the town. This Code establishes general standards for the location, design, scale, and massing of buildings and structures which do not always fit the unique conditions and circumstances of a built-out community that includes many buildings of distinctive individual and cumulative design and character. This section establishes substantive criteria for the review and approval of development on landmarked properties when the property owner desires to use ~~conditional~~—dimensional ~~adjustments~~waivers to the strict application of the underlying zoning district regulations.

- (1) *Application of dimensional ~~adjustments~~waivers for landmark properties.* The dimensional ~~adjustments~~waivers of this section may be applied to applications that seek to deviate from the strict application of the underlying zoning district regulations;~~except that these standards shall not be applied in commercial zoning districts.~~ The dimensional ~~adjustments~~waivers of this section shall be applied in addition to the standards for approval of certificates of appropriateness that are set out in chapter 54. It is not the intent of this section that the consideration of a dimensional ~~adjustment~~waiver supers~~ede~~s the criteria for granting a certificate of appropriateness.
- (2) *Description of ~~conditional~~dimensional ~~adjustments~~waivers available for landmark structures.* The landmark preservation commission may apply the following ~~conditional~~—dimensional ~~adjustments~~waivers in the alternative to the strict application of the underlying zoning district regulations:
 - a. *Reduced setbacks for expansion of landmark buildings.* Reduced side and rear yard setbacks may be approved for the expansion of landmark buildings, or the addition of permissible new buildings, on a lot which contains a landmark building if all of the following are demonstrated:
 1. The setback does not violate any of the following conditions:

~~Front: Reduction can be up to 90 percent of underlying zoning district requirement; provided, however that the front yard setback shall not be less than the lesser of the existing front yard setbacks of the principal structures on the lots immediately abutting the side property lines of the lot for which the waiver is being requested.~~

A. Side and rear: The resulting yard setback is not less than any existing nonconforming yard setback of the principal structure~~Reduction can be up to 65 percent of underlying zoning district requirement; provided, however, that the side yard setback shall not be less than five feet.~~

B. Side and rear street: ~~Reduction can be up to 65 percent of underlying zoning district requirement. The resulting street yard setback is not~~

less than the lesser of any existing nonconforming street yard setback of the principal structures located on property immediately abutting either side of the property for which the adjustment is requested; provided, however, that the side yard setback shall not be less than ten feet.

C. The length of the new additions shall not exceed the length of the existing landmarked building.

~~Rear: Reduction does not result in a rear yard setback of less than seven and one-half feet.~~

~~Rear street: Reduction does not result in a rear street yard setback of less than 20 feet.~~

2. The proposed portion of building or structure between the required setback and the reduced setback does not compromise the historic character of the landmark building, due to one or more of the following:
 - A. The architecture and design of the additional building or structure between the required setback and the reduced setback:
 - i. Is complimentary to the architecture of the landmark building, while neither replicating the architecture nor fundamentally departing from it;
 - ii. Is such that the additional building or structure appears subordinate to those parts of the landmark building that materially contribute to its landmark status;
 - iii. Does not block public views of those parts of the landmarked building that materially contribute to its landmark status; and
 - iv. Allows for future removal of the additional building or structure, and restoration of the landmark building to its existing design, and differentiation.
 - B. The volume and footprint of the portion of the building or structure between the required setback and the reduced setback is de minimus, and the character of the proposed building or structure does not tend to distract the eye from the principal landmark building.
 - C. The portion of the additional building or structure between the required setback and the reduced setback is completely screened from view from public rights-of-way by existing topography, existing walls, and/or existing landscaping that do not interfere with the historic character of the landmark building.

- D. Reasonable alternative designs that are permitted by the strict requirements of the underlying zoning district ~~and result in the same cubic content ratio~~ would detract from the landmark character of the building and conform with a setback dimension more characteristic of the period of construction of the landmark building or structure.
- b. *Reduced setbacks for restoration/replacement of documented portion of a landmark building that has been destroyed.* A reduction of up to 100 percent of any required setback may be approved if it is demonstrated that the proposed development between the required setback and the reduced setback area enhances the historic character of the landmark building by restoring or replacing a portion of the original building or structure that had been destroyed or demolished.
- c. *Increasing maximum height of driveway gates.* An increase in the maximum height of driveway gates may be approved if it is demonstrated that:
1. The proposed driveway gates will restore or replace gates that contribute to the character of landmark building;
 2. The proposed driveway gates are located no closer to the street than the original driveway gates; and
 3. The proposed driveway gates will not compromise traffic safety.
- d. *Decreasing minimum setback of driveway gates.* A decrease in the minimum setback of driveway gates may be approved if it is demonstrated that:
1. The proposed driveway gates will restore or replace gates that contribute to the character of landmark building;
 2. The proposed driveway gates are located no closer to the street than the original driveway gates; and
 3. The proposed driveway gates are designed and located in such a manner that they will not compromise traffic safety.
- e. *Decreasing landscaped open space and lot coverage for the restoration or renovation of nonconforming landmark buildings.* A decrease in the minimum landscaped open space and lot coverage may be approved in order to permit landmark buildings that do not conform to the minimum landscaped open space requirements to be renovated, reconstructed, or restored, in order to either preserve the building as it existed when it was landmark; or in conjunction with restoration that involves the application of subsection b.
- f. Increasing angle of vision, cubic content ratio, height and overall height, and building height plane for restoration or renovation of nonconforming landmark buildings. An increase in the maximum angle of vision, cubic content ratio, height and overall height, and building height may be approved in order to permit landmark buildings that do not conform to the maximum angle of

vision, cubic content ratio, height and overall height, and building height requirements to be renovated, reconstructed, or restored, in order to either preserve the building as it existed when it was landmark; or in conjunction with restoration that involves the application of subsection b.

gf. *Decreasing landscaped open space for the expansion of landmarked buildings ~~which are used for an important public purpose~~.* A decrease of up to 105 percent of the minimum required landscaped open space may be approved if it is demonstrated that:

1. The reduction is necessary to permit the necessary expansion of a landmark building including but not limited to changes in familial status, and to address accessibility~~which serves an important public purpose~~; and
2. Reasonable alternative designs that are otherwise permitted by the strict requirements of the underlying zoning district, ~~and which would result in the same cubic content ratio~~, would detract from the landmark character of the building.

h. *Increasing lot coverage for the expansion of landmarked buildings.* An increase of up to 10 percent of the maximum permitted lot coverage may be approved if it is demonstrated that:

1. The increase is necessary to permit the necessary expansion of a landmark building including but not limited to changes in familial status, and to address accessibility; and
2. Reasonable alternative designs that are otherwise permitted by the strict requirements of the underlying zoning district, would detract from the landmark character of the building.

i. *Increasing cubic content ratio for the expansion of landmarked buildings located within the R-B zoning district.* An increase over the ~~of the~~ maximum permitted cubic content ratio may be approved if it is demonstrated that:

1. The increase is necessary to permit the necessary expansion of a landmark building including but not limited to changes in familial status, and to address accessibility; and
2. Reasonable alternative designs that are otherwise permitted by the strict requirements of the underlying zoning district, would detract from the landmark character of the building.

j. *Increasing the number of stories permitted for new unattached accessory structures in landmarked properties located within the R-B zoning district.* Landmarked properties under 20,000 square feet may be allowed to construct

a 2-story unattached accessory structure, up to 25 feet in overall height, if it is demonstrated that:

1. The increase is necessary to permit the necessary expansion of a landmark building including but not limited to changes in familial status, and to address accessibility;
2. Reasonable alternative designs that are otherwise permitted by the strict requirements of the underlying zoning district, would detract from the landmark character of the building;
3. The primary residence has 2 stories; and
4. The overall height of the accessory structure does not exceed the overall height of the primary residence.

(3) *Landmarks preservation commission action; town council ratification of commission action on applications involving dimensional ~~adjustments~~waivers.*

- a. *Decisions to be placed on town council consent agenda.* Decisions of the landmark preservation commission to approve, approve with conditions, or deny applications for development approval involving dimensional ~~adjustments~~waivers shall be placed on the consent agenda of the first available meeting of the town council after the decision.
- b. *Removal of decisions from consent agenda.* Decisions that are placed on the town council consent agenda pursuant to subsection a., may be removed from the consent agenda and placed on the regular agenda at the request of a member of the town council.

(3) Notice of landmarks preservation commission public hearing.

- a. Dimensional adjustments shall be noticed in accordance with Section 54-93(4).

(4) Duration of approval and time extensions.

- a. The applicant's approval will expire in accordance with the provisions of Section 54-94(1).
- b. Time extensions shall be granted in accordance with the provisions of Section 54.94(2).

(5) Appeals.

- a. The applicant or any interested party may file an appeal to the town council on any ruling by the landmark preservation commission in accordance with Section 54-41.

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

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 54, HISTORICAL PRESERVATION, ARTICLE I, IN GENERAL, AT SECTION 54-2, DEFINITIONS, TO REMOVE THE DEFINITION OF MINOR EXTERIOR CHANGE AND ADD A DEFINITION FOR THE LPC APPROVAL GUIDE; AT ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 1, GENERALLY, AT SECTION 54-71, TO REMOVE THE EXPENDITURE LIMIT FOR EXTERIOR CHANGES AND REFER TO THE LPC APPROVAL GUIDE; DIVISION 2, PROCEDURES AND EFFECT, AT SECTION 54-93; TO REFERENCE THE LPC APPROVAL GUIDE; DIVISION 3, CRITERIA FOR ISSUANCE, AT SECTION 54-121, TO REFERENCE THE LPC APPROVAL GUIDE; 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 Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

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 8 through 14 referred to as “Quick Fixes Tranche 2” to the Town Council for consideration at its August 13, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 8, that the Town update the Zoning Code’s *Landmark Incentives relating to process*; and

WHEREAS, Town Council on August 13, 2025, directed PZB staff to address the current Landmark Incentives (Quick Fix No. 8) as an immediate priority; and

WHEREAS, the Town’s Planning and Zoning Commission considered the Quick Fixes Tranche 2 at its meeting of September 2, 2025, and *recommended adoption of Quick Fix No.*

8.

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 I, IN GENERAL, Section 54-2, Definitions, is hereby amended as follows:

Sec. 54-2. Definitions.

~~Minor exterior change means an exterior change the cost of which does not exceed \$2,000.00 as determined by the building official and is determined by the landmarks project coordinator to not materially affect the exterior of the structure.~~

~~LPC Approval Guide is a list of alterations to landmarks and historically significant buildings and properties that identifies whether review and approval are required from staff, the LPC Chair, or the full LPC commission at a public hearing. This list shall be in the form of a matrix, adopted by the town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the landmarks preservation commission.~~

Section 3. Article III, Certificate of Appropriateness, Division 1, Generally, Section 54-71, Required, is hereby amended as follows:

Sec. 54-71. Required.

(f) An exterior change project determined by the landmarks preservation commission (LPC) chair project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted ~~by the staff~~ to the commission for review, in accordance with the LPC Approval Guide. ~~No exterior change project with an estimated expenditure~~

~~exceeding \$2,000.00 as determined by the building official shall fall within the definition of this minor project category.~~

Section 4. Division 2, Procedures and Effect, Section 54-93, Uniform Development Review Procedures, is hereby amended as follows:

Sec. 54-93. Uniform Development Review Procedures.

- (1) *Application.* All applications for development review, being either a certificate of appropriateness for a landmarked building or structure, or a review of a historically significant building, shall be filed with the director of planning, zoning and building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which must be filed with the director of planning, zoning and building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by town staff from time to time. All applications shall include the application fee as set forth in the town fee schedule. The classification of the application is designated within the LPC Approval Guide, adopted by the town council, and amended from time to time.

Section 5. Division 3, Criteria for Issuance, Section 54-121, Generally, is hereby amended as follows:

Sec. 54-121. Generally.

In passing upon an application for a certificate of appropriateness, the commission shall consider the criteria in this division. In addition, such requests will be reviewed in accordance with the procedures set forth in the LPC Approval Guide, as adopted by the town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the landmarks preservation commission.

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

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #9: Open Space - Canopy Trees & Perimeter Natives

Date: 8/26/2025

Staff will need more time in preparing the documentation for QF #9 for the Commission's review.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Environmental Stewardship, Safe and Resilient Community

Strategic Focus Areas:

Cooperative Relationships

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #10: Awnings & Canopies

Date: 8/26/2025

Staff will need more time in preparing the QF #10 documentation for the Commission's review.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #11: RD-2 Front Setbacks

Date: 8/26/2025

ATTACHMENTS

Staff Report

QF 11 RD-2 Front Setbacks Draft Ordinance

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on August 13, 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 Tranche 02." The presentation was well received with a consensus of the Council to have the "items" to be drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number eleven.

The front yard regulations for multifamily buildings in the R-D(2) Zoning District rely on the height of the building to determine the required front yard, which is not unusual for municipal zoning regulations; it goes on, however, to multiply that amount by the number of streets along which the building fronts. Staff would like to respectfully modify the determinations of calculating the front yard requirement to simplify and streamline review.

DISCUSSION:

The burdensome setback requirement, which is based on multiplying the building height by the number of street frontages the parcel has in order to determine the required front yard, makes no sense. Along any given block, this regulation would create a disjointed streetscape due to varying front yard setbacks. Building height or number of stories should determine the front setback. The Planning, Zoning and Building Department staff proposes providing for front setback solely based on building height to ensure uniformity in design and streetscape.

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 VI.- DISTRICT REGULATIONS, DIVISION 7. - R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT BY MODIFYING FRONT YARD SETBACKS IN SEC. 134-1060(5); 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 Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

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 8 through 14 referred to as “Quick Fixes Tranche 2” to the Town Council for consideration at its August 13, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 11, that the Town update the Zoning Code’s RD-2 Front Setback regulations relating to the height of the building depending upon the number of streets on which it fronts; *and*

WHEREAS, Town Council on August 13, 2025, directed PZB staff to address the current RD-2 Front Setback regulations (Quick Fix No. 11) as an immediate priority; and

WHEREAS, the Town’s Planning and Zoning Commission considered the Quick Fixes Tranche 2 at its meeting of September 2, 2025, and recommended adoption of Quick Fix No. 11.

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 VI, District Regulations, Division 7.- R-D(2) High Density Residential District, SEC. 134-1060 Lot, yard and area requirements—Generally is hereby amended as follows:

Sec. 134-1060. - Lot, yard and area requirements—Generally.

In the R-D(2) high density residential district, the schedule of lot, yard and area requirements is as given in this section:

(5) *Front yard.* The front setback requirements for all buildings located in the R-D(2) district are as follows:

- a. For single-family ~~uses buildings~~, the minimum front yard setback is 25 feet.
- b. For two-family ~~uses buildings~~, the minimum front yard setback is 25 feet.
- c. For townhouses ~~s buildings~~, the minimum front yard setback is 25 feet.
- d. For multifamily ~~uses buildings~~, the minimum front yard setback ~~shall be either~~ is 25 feet for three-story buildings up to a maximum height of 35 feet; 40 feet for four-story buildings up to a maximum height of 45 feet; and 55 feet for five-story buildings. or the height of the building, whichever is the greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577.
- e. ~~For timesharing uses, the minimum front yard setback is 25 feet.~~
- f. ~~For hotels, the minimum front yard setback is 25 feet.~~

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, 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: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #12: Basements

Date: 8/26/2025

ATTACHMENTS

Staff Report

QF 12 Basement Draft Ordinance

NFIP Basement

Draft Table & Draft Graphic Basement

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Emergency Management

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on August 13, 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 Tranche 02." The presentation was well received with a consensus of the Council to have the "items" to be drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number twelve.

Staff is proposing to "clean up" and better organize the regulations for basements in Chapter 134, Zoning. If acceptable, staff suggests that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

The regulations for basements are quite complex and spread throughout Chapter 134, Zoning and Chapter 50, Floods. The current regulations are at times hard to understand and interpret, even by staff. The current zoning regulations for basements at time conflict with FEMA guidelines and the Florida Building Code (FBC). The Town in the past created different sets of rules for basements depending upon the zoning district and building location. To further complicate the matter, the current code also provides regulations for sub-basements, creating in effect two types of basements.

The goal of this Quick Fix is to streamline the current regulations, to create a single set of standards for basements that would cover all zoning districts, to remove the category of sub-basement, and to better align the zoning regulations with FEMA and the FBC.

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, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION; SECTIONS 134-113, 134-1163, 134-1213, 134-1308, AND 134-1488 TO REMOVE SUB-BASEMENT EXEMPTIONS IN THE C-TS, C-WA, C-OPI, C-B, AND CI ZONING DISTRICTS; SECTIONS 134-1607 THROUGH 134-1611 TO CONSOLIDATE BASEMENT REGULATIONS AND EXCEPTIONS; AND SECTIONS 134-1876 AND 134-2179 TO REMOVE UNNECESSARY REGULATIONS ON BASEMENT AND SUB-BASEMENT PARKING; 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 Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

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 8 through 14 referred to as “Quick Fixes Tranche 2” to the Town Council for consideration at its August 13, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 12, that the Town update the Zoning Code’s basement regulations relating to the removal of the sub-basement, updating the definition of basement, and the clean-up of inconsistencies; and

WHEREAS, Town Council on August 13, 2025, directed PZB staff to address the current basement regulations (Quick Fix No. 12) as an immediate priority; and

WHEREAS, the Town’s Planning and Zoning Commission considered the Quick Fixes Tranche 2 at its meeting of September 2, 2025, and *recommended adoption of Quick Fix No. 12.*

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, Section 134-2, Definitions and Rules of Construction, is amended by modifying the definition of Basement and adding a definition for Flood Vent:

Sec. 134-2. – Definitions and Rules of Construction.

Basement means floor-area a level situated under a building, such floor-area level 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. Basements will always be the lowest level of a building and only one basement level can exist in any building. Basements do not count as a story for height requirements. For additional regulations and the exceptions to the regulations of basements see sections 134-1608, 134-1609 and 134-16140. See also sub-basement. This Basement definition and regulations contained herein apply also to subgrade Enclosures as described in Chapter 50, Floods.

Flood Vent means a designed opening in a foundation wall that allows floodwaters to automatically flow into and out of an enclosed area below the Base Flood Elevation (BFE). These vents are crucial for relieving hydrostatic pressure and preventing damage to the foundation during a flood.

Section 3. Chapter 134, Zoning, Sections 134-1113, 134-1163, 134-1213, 134-1308, and 134-1488, Lot, Yard and Area Requirements – Generally in the C-TS, C-WA, C-OPI, C-B, and CI Zoning Districts, are amended as follows:

Sec. 134-1113. - Lot, yard and area requirements—Generally.

In the C-TS town-serving commercial district, the schedule of lot, yard and area requirements is as given in this section:

(10) *Length.*

- ~~c. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each, be considered as a separate building for the purpose of calculating building length.~~

(12) *Floor area.*

- ~~c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from, a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.~~

Sec. 134-1163. - Lot, yard and area requirements—Generally.

In the C-WA Worth Avenue district, the schedule of lot, yard and area requirements is as given in this section:

(10) *Length.*

- ~~e. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.~~

(12) *Floor area.*

- ~~d. Sub-basements are exempt from the maximum, building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.~~

Sec. 134-1213. - Lot, yard and area requirements—Generally.

In the C-OPI office, professional and institutional district, the schedule of lot, yard and area requirements is as given in this section:

(10) *Length.*

- ~~d. Sub-basements are exempt from the maximum, building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.~~

(12) *Floor area.*

- d. ~~Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.~~

Sec. 134-1308. - Lot, yard and area requirements—Generally.

In the C-B commercial district, the schedule of lot, yard and area requirements is as given in this section:

(10) *Length.*

- c. ~~Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.~~

Sec. 134-1488. - Lot, yard and area requirements-generally.

In the CI Cultural Institution district, the schedule of lot, yard and area requirements is as provided in this section, and for the purposes of this section, "adjoin" shall be defined as having a common property line or being separated only by a public right-of-way.

(11) *Planar break.*

- b. ~~Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.~~

(13) *Floor area.*

- c. ~~Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area."~~

Section 4. Chapter 134, Zoning, Sections 134-1607 through 134-1611, Permitted Exceptions, Basements, Multilevel and Split-Level Structures, Basement Exceptions, and Sub-Basement Exceptions, are 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:

- (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.~~

Sec. 134-1608. - Basements.

- ~~(a) The ability to construct a basement in the Town of Palm Beach is regulated by FEMA's National Flood Insurance Program (NFIP), Chapter 44 of the Code of Federal Regulations (44 CFR), Chapter 50 - Floods found in the Town of Palm Beach Code of Ordinances, and the Florida Building Code.~~
- ~~(ab) In all zoning districts except the R-B zoning district, a basement as defined in section 134-2 shall not be considered a story with regards to height regulations contained in this chapter if the basement ceiling does not exceed plus four feet above zero datum for the subject lot.~~
- ~~(bc) The exterior walls of a basement shall be setback from all property lines as required for the building situated over the basement, and minimum door openings in the basement walls shall be limited to those essential to permit one automobile entry access driveway and one automobile exit driveway for each separated under building parking area, plus pedestrian lobby entries and required fire escape exit ways except as described in 134-1610.~~
- ~~(d) Opening in basement walls shall be restricted to those essential to allow vehicle and pedestrian access, required cut-outs for mechanical equipment, and required flood vents.~~

Sec. 134-1609. - Reserved. Multilevel and split level structures.

- ~~(a) Multilevel or split level structures may be constructed in the R-B district under the following conditions:~~
 - ~~(1) No portion of the structure may have more than two stories in vertical alignment;~~
 - ~~(2) A basement entirely located under and hidden by the dune shall not count as a story; and~~
 - ~~(3) The structure must meet all applicable lot, yard and bulk regulations for two-story construction in the district.~~
- ~~(b) Where single-family and two-family multilevel or split-level structures may be constructed in R districts, other than the R-B district, they may be so constructed under the following conditions:~~
 - ~~(1) No portion of the structure may have more than two habitable stories in vertical alignment;~~

- (2) ~~A basement entirely located under and hidden by the dune shall not count as a story; and~~
- (3) ~~The structure must meet all applicable lot, yard and bulk regulations for two-story construction in the district.~~

Sec. 134-1610. - Basement exceptions.

(a) ~~In all R-zoning districts, including the R-B zoning district, a basement as defined in section 134-2 which is entirely under and hidden by the dune shall not count as a story.~~

(b) A portion of a basement may be situated outside the outer walls of the main building above it provided the following conditions are met:

- (1) The basement shall have at least 51 percent of its floor area within the confines of the outer walls of the main portion of the building located above the basement; and
- (2) The portion of the basement ~~outside exterior walls; outside of the outside walls of the main portion of the building located above the basement;~~ shall be hidden from view from ~~outside all elevations of the building neighboring properties and public rights of way; and~~
- (3) ~~The developed grade outside the walls of that portion of the basement that is outside of the walls of the main portion of the building located above the basement shall not be raised or altered more than two feet above the natural grade in order to be hidden from view;~~
- (4) The portion of the basement outside walls of the main building above the basement shall be excluded in the calculations for landscape open space requirements and shall count toward required setbacks and lot coverage.

Sec. 134-1611. - ~~Reserved. Sub-basement exception.~~

(1) ~~For residential and, time-share development or redevelopment, and for commercial development within the C-PC, planned commercial district. No portion of a sub-basement may be located beyond the confines of the outer walls of the first floor above it except under the following conditions:~~

- a. ~~The sub-basement shall have at least 51 percent of its floor area within the confines of the outer walls of the main portion of the building located above the sub-basement.~~
- b. ~~The sub-basement shall be entirely hidden from view from any elevation of the building.~~
- c. ~~The developed grade outside the walls of that portion of the sub-basement that is outside the walls of the main portion of the building located above the sub-basement~~

~~shall not be raised or altered in order to be hidden from view, more than two feet above the natural grade.~~

- ~~d. The portion, of the sub-basement outside of the outside walls of the main building above the sub-basement shall not be allowed to count in the calculations for landscape open space requirements and shall count toward lot coverage.~~
- ~~e. The sub-basement shall be setback a minimum of five feet from a property line.~~
- ~~(2) For development or redevelopment in commercial, zoning districts with the exception of the C-PC, planned commercial district, a sub-basement shall be allowed under the following conditions:~~
 - ~~a. The maximum lot coverage of a proposed sub-basement shall not exceed a maximum of 70 percent. Said lot coverage shall only be for the sub-basement and shall not count toward the maximum lot coverage of the portion of the buildings above said sub-basement.~~
 - ~~b. The sub-basement shall be entirely hidden from view from any elevation of the building.~~
 - ~~c. The portion of the sub-basement outside of the outside walls of the main building above the sub-basement shall be allowed, to count in the calculations for landscape open space requirements.~~
 - ~~d. The sub-basement shall be setback a minimum, of five feet from a property line.~~

Section 5. Chapter 134, Zoning, Sections 134-1876 and 134-2179(a), Distance Between Buildings and driveways and Utilization of Yards, are amended as follows:

Sec. 134-1876. - ~~Distance between buildings and driveways. Reserved.~~

~~Under this subdivision, no driveway or parking lot shall be closer than 25 feet to the front of any building or ten feet to the side or rear of any building, except when the story at ground level is either a basement or a story designed and used for other than residential occupancy. When an enclosed garage or carport is provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.~~

Sec. 134-2179. - Utilization of yards.

- ~~(a) Underground facilities in sub-basements. Underground facilities in sub-basements. Provided the ground level at the lowest point of the public sidewalk abutting the property or the public street, if there is no public sidewalk, is maintained, required off-street parking facilities may be located in a sub-basement under required yards. Roofs of such sub-basements shall be sodded, landscaped and maintained, and there shall be no visible evidence of such underground facility from a public street or sidewalk. No such underground facility shall be closer than five feet to any property line.~~

(b)”

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

DRAFT

BASEMENTS

For the purposes of the NFIP, a basement is defined as any area that is subgrade on all sides. The “lowest floor” of a building is the top of the floor of the basement if there is a basement. Since the “lowest floor” of a residential building must be at or above the BFE, it will be highly unusual to construct a basement in a floodplain that met these requirements.

44 CFR 59.1 Definitions: "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

Note that “walkout basements,” “daylight basements” or “terrace levels” are usually subgrade on only three sides, with the downhill side at or above grade. Thus, they are not considered basements for either floodplain management or flood insurance rating purposes (but they are still the lowest floor of a building for floodplain management and insurance rating purposes). If these areas are used only for parking, access, or storage and they meet other ordinance requirements, they can be regulated as enclosures below an elevated building and not be considered the lowest floor of the building.

On the other hand, cellars, the lower level of a split-level or bi-level house, garden apartments and other finished floors below grade are considered basements under NFIP regulations.

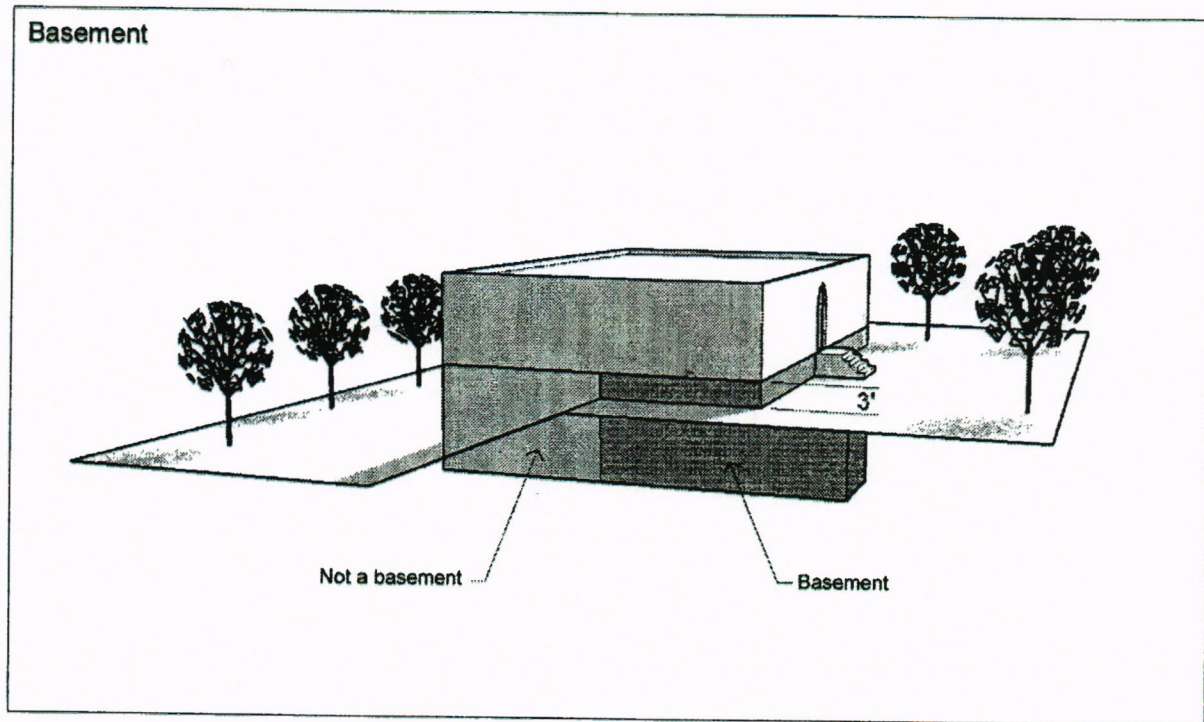
Since the lowest floor of a residential building must be above the BFE, the only way to build a residential basement in the floodplain under NFIP minimum requirements is if it is elevated on fill and surrounded by fill. Floodproofed nonresidential basement are allowed, provided they meet the requirements discussed in the previous section on floodproofing.

DRAFT TABLE

	FEMA AE-Zone	FEMA VE-Zone	FEMA X-Zone	Seaward of the CCCL
Basements Allowed?	Yes, but only if the basement FFE is BFE + 1 Foot	No	Yes – No limits	No
Enclosures¹ Allowed?	Yes – used for vehicle parking, building access, and storage only; shall be provided with flood openings	Yes - used for vehicle parking, building access, and storage only; shall be provided with flood openings; be constructed with non-supporting breakaway walls (frangible construction)	Yes – No limits	Yes - used for vehicle parking, building access, and storage only; defer to FEMA Flood Zone regulations
Maximum Size	No limit for the principal structure; detached accessory structure Basement or Enclosure limited to 600 sq ft	FEMA recommended Enclosure - 300 sq ft; detached accessory structures 200 sq ft	No limits	Recommended Enclosure -300 sq ft; detached accessory structures 200 sq ft

¹ As described and regulated in Chapter 50, Floods.

DRAFT GRAPHIC – NEEDS WORK



TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #13: Fill

Date: 8/26/2025

ATTACHMENTS

Staff Report

QF 13 Fill Draft Ordinance

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Emergency Management

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on August 13, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are referred to as "Quick Fixes Tranche 02." The presentation was well received with a consensus of the Council to have the “items” drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number thirteen.

Since the adoption of Ordinance 19-2021 on August 11, 2021, the regulations pertaining to the maximum amount of fill (within the required yards) for sites have been successful in the control of harmonizing the grade elevation of new construction sites with older, lower lying properties in the Town.

DISCUSSION:

As Planning, Zoning and Building staff have applied the regulations to new construction, issues were identified regarding the code transmittal to Municode. Direction was provided for staff to draft the required code changes necessary to correct the calculation (Finished floor elevation minus Crown of Road elevation, divided by 2), as well as specify the area subject to the new regulations to only that area within the required yards. The Planning, Zoning and Building Department staff proposes providing the following two changes:

- MODIFY (CORRECT) EQUATION: “FFE - COR ÷ 2 = MAX FILL”
- CLARIFY THE REGULATIONS APPLY ONLY WITHIN THE REQUIRED YARDS

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 VIII.- SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2. - LOT, YARD AND AREA REQUIREMENTS, SUBDIVISION III. LOT FILL BY MODIFYING THE EQUATION OF HOW FILL IS CALCULATED AND SPECIFYING THAT THE MAXIMUM AMOUNT OF FILL PERTAINS ONLY TO THE REQUIRED YARD ELEVATIONS; 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 Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

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 8 through 14 referred to as “Quick Fixes Tranche 2” to the Town Council for consideration at its August 13, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 13, that the Town update the Zoning Code’s fill regulations to correct the calculation and to specify that the fill area pertains only to that area within the required yards; and

WHEREAS, Town Council on August 13, 2025, directed PZB staff to address the current fill regulations (Quick Fix No. 13) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 2 at its meeting of September 2, 2025, and recommended adoption of Quick Fix No. 13.

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 VIII.-Supplementary District Regulations, Division 2. - Lot, Yard and Area Requirements, Subdivision III.- Lot fill is hereby amended at Section 134-1600.-Maximum lot fill allowed as follows:

Sec. 134-1600. - ~~Maximum lot fill allowed. Maximum yard elevation requirements.~~

- (a) ~~The lot grade of any property~~ **The maximum elevation of any required yard** shall not exceed a grade elevation height of half the difference between the lowest habitable finished floor of the principal structure and the highest crown of the road in front of the lot. In case of a through or corner lot, the highest crown of road from the street determined to be on the front property line. The equation is as follows:

COR: highest crown of road where the principal structure fronts onto

FFE: Lowest habitable finished floor elevation of the principal structure

~~COR-FFE ÷ 2~~ ~~FFE-COR ÷ 2~~ = Maximum amount of fill allowed ~~on a lot within any required yard.~~

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, 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: September 3, 2025

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #14: Front / Rear Setbacks

Date: 8/26/2025

ATTACHMENTS

Staff Report

QF 14 Front / Rear Setbacks Draft Ordinance

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on August 13, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are referred to as "Quick Fixes Tranche 02." The presentation was well received with a consensus of the Council to have the "items" drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number fourteen.

Town Council directed staff to review eliminating the ability to decrease front yard setbacks by up to 5 feet by increasing the rear yard setback by a corresponding number of feet. The proposed Ordinance No. XXX-2025 removes this increase / decrease ability and simply provides for the minimum front and rear yard setbacks for both one and two-story homes in the R-B zoning district. If acceptable, staff suggests that the Town Council adopt the ordinance on First Reading.

DISCUSSION:

Chapter 134, Section 134-893 contains the lot, yard, and area requirements for the R-B district. It is within this code section that the ability to reduce the front yard setback is found. From a design standpoint, the ability to adjust the yard setbacks may be helpful, but on many streets the front yard reduction to 20 feet will not work. This reduced setback may even conflict with the established setbacks of the existing homes.

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 VI - DISTRICT REGULATIONS, DIVISION 4 – R-B LOW DENSITY RESIDENTIAL DISTRICT, SECTION 134-893, LOT, YARD AND AREA REQUIREMENTS – GENERALLY, SUBSECTIONS (b)(5) FRONT YARD AND (b)(9) REAR YARD, THEREBY REMOVING THE ABILITY TO REDUCE THE FRONT YARD SETBACK IN THE R-B 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 Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

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 8 through 14 referred to as “Quick Fixes Tranche 2” to the Town Council for consideration at its August 13, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 14, that the Town update the Zoning Code’s front and rear yard setback regulations relating to the decrease of the front yard setback; and

WHEREAS, Town Council on August 13, 2025, directed PZB staff to address the current front and rear yard setback regulations (Quick Fix No. 14) as an immediate priority; and

WHEREAS, the Town’s Planning and Zoning Commission considered the Quick Fixes Tranche 2 at its meeting of September 2, 2025, and recommended adoption of Quick Fix No. 14.

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 VI, District Regulations; Division 4, R-B Low Density Residential District; Section 134-893, Lot, Yard and Area Requirements, Subsections (b)(5) and (b)(9) are amended as follows:

134-893 – Lot, yard and area requirements – Generally.

(b)(5) Front yard.

- a. The minimum front yard setback for the first story is 25 feet, ~~however the front yard setback may be reduced to a minimum of 20 feet, or portion thereof, provided the required rear yard setback for the first story is increased by the amount of reduction in the front yard.~~
- b. The minimum front yard setback for the second story is 30 feet, ~~however the front yard setback may be reduced to a minimum of 25 feet, or portion thereof, provided the required rear yard setback for the first and second story is increased by the amount of reduction in the front yard.~~

(b)(9) Rear yard.

- a. The minimum rear yard setback for the first story is ~~ten~~10 feet ~~except as provided for in subsection (5)a.~~
- b. The minimum rear yard setback for the second story is 15 feet ~~except as provided for in subsection (5)b.~~”

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, 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