



TOWN COUNCIL MEETING

TOWN OF PALM BEACH

SEPTEMBER 10, 2025

9:30 AM

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

Danielle H. Moore, Mayor
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

COMMENTS

1. PUBLIC - 3 MINUTE LIMIT

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

PUBLIC HEARINGS

ORDINANCES

2. **9-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning By Amending, Article VIII, Supplementary District Regulations, Division 3. – Height And Other Exceptions At Section 134-1607.-Permitted Exceptions; And Amending, Article VIII, Supplementary District Regulations, Division 6. – Structures, Subdivision II. – Accessory Buildings And Other Structures At Sections 134-1728.-Air Conditioning And Swimming Pool, And Fountain Equipment And 134-1729.-Generators To Update The Town's Mechanical Equipment Regulations; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
3. **10-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article IV, Nonconformities, Division 4. – Land At Section 134-446; Article VI, District Regulations, Division 2. -RAA, Division 3.- R-A And Division 4.-R-B At Sections 134-793, 134-843 And 134-893, Respectively, To Simplify The Process For Development Of Single-Family Dwellings On Certain Nonconforming Lots; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

4. **11-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning At Article I, -In General, By Amending Section 134-2 Definitions; At Article VI, District Regulations, Division 2.- R-AA Large Estate Residential District By Amending Section 134-793; At Article VI, District Regulations, Division 3.- R-A Estate Residential District By Amending Section 134-843; And At Article VI, District Regulations, Division 4.- R-B Low Density Residential District By Amending Section 134-893 To Define Building Angle Of Vision And To Remove The Building Angle Of Vision Requirement For One-Story Buildings And Buildings On Lots Fronting On Cul-De-Sacs In The R-AA, R-A And R-B Residential Districts; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date
5. **12-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article II, Administration, Division 4. – Special Exceptions, Variances, And Dimensional Waivers, Subdivision III. - Special Exceptions By Repealing Section 134-231.-Residential Use In C-TS, C-WA Or C-OPI District; One-Family Use Above First Floor In C-TS, C-WA Or C-PC District And By Renumbering Section 134-232.-Preferred Location Of Group Homes And Foster Care Facilities And Section 134-233.-Applicability Of Worth Avenue Design Guidelines In C-WA District And Adding A New Section 134-233-Reserved; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
6. **13-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Improving The Uniformity Of The Appeals Processes For Development Review Matters By Amending Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 2, Architectural Commission, Section 18-177, Appeals And Review; By Amending Chapter 54, Historical Preservation, Article II, Landmarks Preservation Commission, Section 54-41; And By Amending Chapter 134, Zoning, Article II, Administration, Division 3, Appeals, Sections 134-141 Through 134-145 And Section 134-174; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
7. **14-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Article III, -Architectural Review, At Section 18-203 Duration Of Approval; Time Extension; Denial Of Application; Determination; Clarification; Deferral; Amending Chapter 54, Historical Preservation, Article III – Certificate Of Appropriateness, Division 2-Procedures And Effect, At Section 54-94 – Duration Of Approval; Time Extension; Denial Of Application; Determination; Clarification; Deferral; And At Chapter 134-Zoning, Division 4-Special Exceptions, Variances, And Dimensional Waivers, Subdivision 1 – In General, At Section 134-173 – Deferral Request; Denial Of Application; Duration Of Approval; Time Extension; Clarification To Conform All Development Review Approval Timeframes At 24 Months From Date Of Rendered Development Order Or Written Decision; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ANY OTHER BUSINESS

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

Information for Town Council Meeting on: September 10, 2025

To: Town Council

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

From: Planning, Zoning, & Building Staff

Re: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning By Amending, Article VIII, Supplementary District Regulations, Division 3. – Height And Other Exceptions At Section 134-1607.-Permitted Exceptions; And Amending, Article VIII, Supplementary District Regulations, Division 6. – Structures, Subdivision II. – Accessory Buildings And Other Structures At Sections 134-1728.-Air Conditioning And Swimming Pool, And Fountain Equipment And 134-1729.-Generators To Update The Town's Mechanical Equipment Regulations; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
9-2025

Date: 8/21/2025

ATTACHMENTS

Draft Ordinance for Confirmed Changes

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

ORDINANCE NO. 009-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING BY AMENDING ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3. – HEIGHT AND OTHER EXCEPTIONS AT SECTION 134-1607.- PERMITTED EXCEPTIONS; AND AMENDING ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 6. – STRUCTURES, SUBDIVISION II. – ACCESSORY BUILDINGS AND OTHER STRUCTURES AT SECTIONS 134-1728.-AIR CONDITIONING AND SWIMMING POOL, AND FOUNTAIN EQUIPMENT AND 134-1729.-GENERATORS TO UPDATE THE TOWN’S MECHANICAL EQUIPMENT REGULATIONS; 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 1 through 7 referred to as “Quick Fixes Tranche 1” to the Town Council for consideration at its July 9, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 1, that the Town update the Zoning Code’s mechanical equipment regulations relating to the types, locations, heights and screening requirements for rooftop mechanical equipment; street-side and street-rear

yard setbacks; pool equipment (pump, filter, heater, etc.) setback and screening requirements; and generator locations in certain zoning districts; and

WHEREAS, Town Council on July 9, 2025 directed PZB staff to address the current mechanical equipment regulations (Quick Fix No. 1) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 1 at its meeting of August 5, 2025, and recommended adoption of Quick Fix No. 1.

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

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

Section 2. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 3. – Height and Other Exceptions, Sec. 134-1607. –Permitted exceptions is hereby amended as follows:

Sec. 134-1607. - Permitted exceptions.

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

- (1) In all zoning districts other than R-AA, R-A and R-B districts, structures for the housing of elevators, stairways, tanks, and skylights not exceeding ~~ten~~ **30** percent in total area of the roof area on which they are placed, skylights not more than four feet in height above the roof; ventilating fans, ~~not exceeding three feet in height above the roof or, generators and~~ similar equipment to operate and maintain a building ~~not more than 10 feet in height above the roof;~~ air conditioning equipment ~~not exceeding four feet above the minimum building requirement for elevated stands on a roof not more than 10 feet in height above the roof;~~ radio and television antennas for reception purposes only; and church steeples, flagpoles and chimneys no more than 40 percent above the height limits for the district within which they are located as prescribed by this chapter. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is set back at least 120 feet from any lot line. Such structures ~~and equipment~~ located upon

the roof area shall not cover in the aggregate a roof area greater than ~~15~~ 30 percent of the ground floor area of such building or structure. Radio and television antennas for reception purposes, air conditioning equipment, the housing of elevators, stairways, tanks, ventilating fans or similar equipment to operate and maintain a building which are permitted on the roof shall be centrally located and sight screened from view in so far as possible, as determined by the Architectural Commission or Landmarks Preservation Commission.as applicable. Solar material shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.

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

Section 3. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 6. – Structures, Subdivision II. – Accessory Buildings and Other Structures, Sec. 134-1728. – Air conditioning and swimming pool, and fountain equipment is hereby amended as follows:

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

- (a) *Air conditioning/chiller equipment (excluding cooling towers).* Air conditioning equipment shall not be allowed in a required front yard setback. Said equipment ~~shall~~ may be allowed in a required side ~~yard~~, rear ~~yard~~, street-side yard and street-rear yard setback provided the following requirements are met:
 - (1) The equipment shall have a minimum five-foot side ~~yard~~ and rear yard setback.
 - (2) The equipment shall have a minimum ~~20-15~~-foot street-side ~~yard~~ and street-rear yard setback.
 - (3) A maximum of two pieces of air conditioning equipment not exceeding six feet in height above grade or the minimum flood elevation, whichever is higher, ~~shall be allowed~~ are permitted within each setback.
 - (4) The equipment shall be completely screened from the neighboring property and the street by a concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided that wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the

applicant enter into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.

- (5) If the equipment and required new screening wall can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining air conditioning/chiller equipment visibility.
 - (6) Where required setbacks for principal structures are increased based on a larger lot width or depth, the air conditioning equipment (not including cooling towers) shall meet the same requirements as the standard size lots in the district it is located.
- (b) *Cooling tower equipment.* Cooling tower equipment shall meet the following requirements:
- (1) The equipment and screening wall, ~~as~~ required below, shall meet the same minimum required yard setbacks as the principal structure.
 - (2) The equipment shall be screened from the neighbors and/or a street by a ~~three sided,~~ concrete wall at least as high as said cooling tower.
 - (3) If the equipment and required screening wall can be seen from the street without intervening landscape material, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.
- (c) *Swimming pool and fountain equipment.* Swimming pool and fountain equipment ~~shall may~~ be allowed in a required side ~~yard,~~ rear ~~yard,~~ street-side yard and street-rear yard setback, provided the following requirements are met:
- (1) Swimming pool and fountain pump and filter equipment ~~and pool heater equipment~~ shall have a minimum five-foot side and rear yard ~~setback setback and shall in all situations be located no further than 25 feet from the pool or fountain water's edge.~~
 - (2) ~~Swimming pool heater equipment shall have a minimum ten foot side and rear yard setback and shall in all situations be located no further than 25 feet of the swimming pool water's edge.~~
 - (3) (2) Swimming pool heater and pump equipment and fountain equipment (excluding filters) shall not exceed four pieces of equipment.
 - (4) (3) Swimming pool heater, pump and filter equipment and fountain equipment shall not exceed a maximum height of four feet above grade or the minimum flood elevation, whichever is higher.
 - (5) (4) All swimming pool and fountain equipment, ~~and~~ filter equipment, ~~and heater equipment~~ shall have a minimum ~~20~~ 15-foot street-side yard ~~and street-~~

~~rear yard setback and in all situations shall be located no further than 25 feet from the water's edge of the swimming pool and /or fountain.~~

~~(6) Swimming pool and fountain pump and filter equipment, excluding swimming pool heater equipment, shall be enclosed in a pump house and shall be located no further [than] 25 [feet] from the swimming pool or fountain water's edge.~~

~~(7)~~ (5) Swimming pool ~~heater~~ equipment shall be completely screened from a neighboring property and a street by a building or concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided the wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.

~~(8)~~ (6) If the equipment and required new screening wall ~~or pump house~~ can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining swimming pool and fountain pump, heating and filter equipment visibility.

~~(9)~~ (7) Where required setbacks for principal structures are increased based on a larger lot width or depth, the swimming pool and fountain pump, filter and heating pool equipment shall meet the same requirements as the standard size lots in the district it is located.

Section 4. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations,

Division 6. – Structures, Subdivision II. – Accessory Buildings and Other Structures, Sec.

134-1729. – Generators: is hereby amended as follows:

Sec. 134-1729. Generators.

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

- (1) One ~~or a combination of more than one portable or permanent~~ generators with ~~combined an~~ output of not more than 60 KW ~~shall may~~ be ~~allowed provided only one generator is within the same required yard area permitted within a required side yard or rear yard~~. Said generator(s) shall be ~~allowed setback at least~~ five feet from a side or rear property line ~~and at least 15 feet from a street-side or street-rear property provided line, provided~~ said generator meets the following requirements:
- a. There is only one generator within ~~that each required~~ yard area.
 - b. The generator(s) shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.
 - c. The highest point on the generator(s) shall not exceed a maximum of seven feet above the neighboring property owner's grade or zero datum as defined in the appropriate definition of building height in section 134-2.
 - d. The generator(s) shall be completely screened from ~~a the~~ street and the neighboring ~~property owners properties~~ by a concrete wall the same height as the generator(s) (including the height of the exhaust muffler). An adjacent property owner's existing side or rear concrete wall that completely screens the generator from the neighbor adjacent to that generator can satisfy said requirement provided the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.
 - e. If the generator(s) is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining a generator's visibility.
 - f. The generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
 - g. The generator(s) shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.
 - h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.
 - i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

- j. Generators shall not be permitted on the roof of a building in the R-AA, R-A, and R-B districts.

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

- a. ~~A~~The generator(s) shall meet the minimum setback requirements applicable to ~~the a principal structure of the subject property and not more than one generator shall be within the same required setback or yard area.~~ Where required setbacks for structures are increased based on building height or lot size, the setback of the generator shall be exempt from any increased setbacks.
- b. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.
- c. If the generator exceeds an output capacity of 100 KW or the combined output capacity of multiple generators exceeds 120 KW, said generator(s) shall be subject to site plan review as defined in sections 134-326—134-330. If any individual generator output capacity exceeds 100 KW it shall be housed in an enclosed building with landscaping as approved by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable.
- d. If the generator exceeds 60KW and is 100KW or less, it shall be screened from view at the street and from the neighboring properties by a concrete block wall, at least the same height as the generator (including the height of the exhaust muffler). An adjacent property owner's side or rear concrete wall that completely screens the generator from the neighbor adjacent to said generator can count towards screening provided that the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall.
- e. If the generator is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, as applicable. Intervening landscape material shall not be considered when determining a generator's visibility.
- f. The generator'(s) exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- g. The generator(s) shall be used only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company.
- h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday

through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.

- i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.
- j. Generators shall not be permitted on the roof of a building in the R-AA, R-A, and R-B districts.

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

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

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

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

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

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

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

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

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 10, 2025

To: Town Council

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

From: Planning, Zoning, & Building Staff

Re: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article IV, Nonconformities, Division 4. – Land At Section 134-446; Article VI, District Regulations, Division 2. -RAA, Division 3.- R-A And Division 4.-R-B At Sections 134-793, 134-843 And 134-893, Respectively, To Simplify The Process For Development Of Single-Family Dwellings On Certain Nonconforming Lots; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
10-2025

Date: 8/21/2025

ATTACHMENTS

Draft Ordinance for Confirmed Changes

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

ORDINANCE NO. 010-2025

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

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 1 through 7 referred to as “Quick Fixes Tranche 1” to the Town Council for consideration at its July 9, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 2, that the Town update the Zoning Code to simplify the process for the development of single-family dwellings on certain nonconforming lots; and

WHEREAS, Town Council on July 9, 2025, directed PZB staff to address simplifying the process for the development of single-family dwellings on certain nonconforming lots (Quick Fix No. 2) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 1 at its meeting of August 5, 2025, and recommended adoption of Quick Fix No. 2.

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 IV, Nonconformities, Division 4.- Land, Section 134-446.-Development and redevelopment of nonconforming residential lots is hereby amended as follows:

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

- (a) ~~Vacant~~ Land located in any zoning district which does not conform to the minimum requirements of lot dimension or lot area as required by the schedule of lot, yard and bulk regulations for the district as given in article VI of this chapter may be developed or redeveloped as allowed in subsections (b) and (c) provided that ~~multi-family~~ residential use ~~and single-family residential use~~ does not exceed the maximum density allowed for the site, as identified in chapter 134 and the Future Land Use Element in the town's comprehensive plan. ~~Development of a single-family residential dwelling unit on a vacant residentially zoned lot which has existed in the same configuration for a minimum of 30 years is allowed subject to subsection (b) or (c), whichever is relevant.~~
- (b) The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements in the R-C, R-D(1), R-D(2), C-TS, C-WA, C-OPI, C-PC, C-B and PUD zoning districts shall be subject to an application to the town council for a variance. A variance to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.
- (c) ~~The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements~~ A single-family dwelling, along with ancillary accessory structures, may be developed on a nonconforming lot in the R-AA, R-A and R-B zoning districts ~~provided that the lot contained a single-family dwelling and the lot retains the same size and configuration as when the previous single-family dwelling was constructed on the lot. shall be subject to an application to the town council for special exception and/or site plan review as provided for in subsections 134-793(b), 134-843(b) and 134-893(b). A special exception and/or site plan review to~~

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

Section 3. Chapter 134, Zoning Article VI, District Regulations, Division 2. R-AA, is hereby amended as follows:

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

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

Section 4. Chapter 134, Zoning Article VI, District Regulations, Division 3. R-A, Section 134-843. Lot, yard, and area requirements—Generally is hereby amended as follows:

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

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

Section 5. Chapter 134, Zoning Article VI, District Regulations, Division 4. R.B, Section 134-893. Lot, yard, and area requirements—Generally is hereby amended as follows:

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

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

Section 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 Town Council Meeting on: September 10, 2025

To: Town Council

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

From: Planning, Zoning, & Building Staff

Re: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning At Article I, -In General, By Amending Section 134-2 Definitions; At Article VI, District Regulations, Division 2.- R-AA Large Estate Residential District By Amending Section 134-793; At Article VI, District Regulations, Division 3.- R-A Estate Residential District By Amending Section 134-843; And At Article VI, District Regulations, Division 4.- R-B Low Density Residential District By Amending Section 134-893 To Define Building Angle Of Vision And To Remove The Building Angle Of Vision Requirement For One-Story Buildings And Buildings On Lots Fronting On Cul-De-Sacs In The R-AA, R-A And R-B Residential Districts; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date 11-2025

Date: 8/21/2025

ATTACHMENTS

Draft Ordinance to Confirm Changes

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Governmental Leadership and Innovation, Community Culture and Character

Strategic Focus Areas:

Cooperative Relationships

Emergency Management

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

ORDINANCE NO. 011-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING AT ARTICLE I, -IN GENERAL, BY AMENDING SECTION 134-2 DEFINITIONS; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 2.- R-AA LARGE ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-793; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 3.- R-A ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-843; AND AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4.- R-B LOW DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-893 TO DEFINE BUILDING ANGLE OF VISION AND TO REMOVE THE BUILDING ANGLE OF VISION REQUIREMENT FOR ONE-STORY BUILDINGS AND BUILDINGS ON LOTS FRONTING ON CUL-DE-SACS IN THE R-AA, R-A AND R-B RESIDENTIAL DISTRICTS; PROVIDING FOR 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 1 through 7 referred to as “Quick Fixes Tranche 1” to the Town Council for consideration at its July 9, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended that, as Quick Fix No. 3, the Town update the Zoning Code to define building angle of vision and to remove the building angle of vision

requirement for one-story buildings and buildings on lots fronting on cul-de-sacs in the R-AA, R-A AND R-B residential districts; and

WHEREAS, Town Council on July 9, 2025, directed PZB staff to address the building angle of vision (Quick Fix No. 3) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 1 at its meeting of August 5, 2025, and recommended adoption of Quick Fix No. 3.

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.

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

Building angle of vision means a ~~line drawn from the front yard property line as determined in section 134-1636(2) 50 degrees either side of a line drawn perpendicular or radial to the front yard property line.~~ bulk regulation used to manage the bulk and mass of a building at or near the front setback line. The wider the house, the more it will have to a greater front setback. This technique helps to reduce the shape of the building as it is perceived from the street. A triangular field defined on a site plan that generates the area in which a two-story structure may be sited in the front of a property in an effort to limit the visual mass of the building when viewed from the street. It is determined by a line drawn from the front yard property line (as determined in section 134-1636(2)) 50 degrees either side of a line drawn perpendicular or radial to the front yard property line. No portion of any

individual two-story building that is not on a lot fronting on a cul-de-sac shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line.

Section 3. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 2.-

R-AA LARGE ESTATE RESIDENTIAL DISTRICT, Section 134-793. Lot, yard and area requirements—Generally is hereby amended as follows:

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

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

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

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

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

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

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

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

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

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

Section 4. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 3.-

R-A ESTATE RESIDENTIAL DISTRICT, Section 134-843. Lot, yard and area requirements—

Generally is hereby amended as follows:

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

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

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

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

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

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

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

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

e.f. For exceptions to these regulations, see section 134-845.

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

Section 5. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 4.-

R-B LOW DENSITY RESIDENTIAL DISTRICT, Section 134-893. Lot, yard and area requirements—Generally is hereby amended as follows:

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

(b) *Schedule of regulations.* In the R-B low density residential district, the schedule of lot, yard **and area requirements is as given in this section:**

- (1) *Lot area.* The minimum lot area is 10,000 square feet. For lots of 20,000 or more square feet in the R-B district, except for those lots between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth, the following shall apply:
 - a. When the width of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum side yard setback and **building** angle of vision provisions of the R-A district.
 - b. When the width of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the **building** angle of vision provisions of the R-AA district, and lots of 150 feet or more in width shall have the following side yard setbacks: Lots of 150-154 feet in width are required to have a 17.5 foot setback; lots of 155—159 feet in width are required to have a 20-foot setback; and for lots of 160 feet or more in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet.

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

- ~~a. The building angle of vision (front setback) for one-story buildings is 100 degrees.~~
- ~~b. the building angel of vision (front setback) for two-story buildings is 100 degrees.~~
- ~~a. The building angle of vision shall not apply for one-story buildings.~~
- ~~cb. The bBuilding angle of vision shall not apply to buildings on is not applicable to lots fronting on cul-de-sacs.~~
- ~~dc. Not portion of any individual building shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line.~~ For lots exceeding the minimum required width, the base angle of vision (50 degrees on either side of the line) shall be

increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 40 feet in the R-B district.

- ed.** In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
- fe.** In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
- gf.** For exceptions to these regulations, see section 134-895.
- hg.** For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.

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

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

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

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

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

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 10, 2025

To: Town Council

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

From: Planning, Zoning, & Building Staff

Re: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article II, Administration, Division 4. – Special Exceptions, Variances, And Dimensional Waivers, Subdivision III. - Special Exceptions By Repealing Section 134-231.-Residential Use In C-TS, C-WA Or C-OPI District; One-Family Use Above First Floor In C-TS, C-WA Or C-PC District And By Renumbering Section 134-232.-Preferred Location Of Group Homes And Foster Care Facilities And Section 134-233.- Applicability Of Worth Avenue Design Guidelines In C-WA District And Adding A New Section 134-233-Reserved; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
12-2025

Date: 8/21/2025

ATTACHMENTS

Draft Ordinance to Confirm Changes

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Mobility and Transportation

Strategic Focus Areas:

Quality of Life

Community Preservation

On-island Mobility

FUNDING

No Fiscal Impact

ORDINANCE NO. 012-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE II, ADMINISTRATION, DIVISION 4. – SPECIAL EXCEPTIONS, VARIANCES, AND DIMENSIONAL WAIVERS, SUBDIVISION III. - SPECIAL EXCEPTIONS BY REPEALING SECTION 134-231.-RESIDENTIAL USE IN C-TS, C-WA OR C-OPI DISTRICT; ONE-FAMILY USE ABOVE FIRST FLOOR IN C-TS, C-WA OR C-PC DISTRICT AND BY RENUMBERING SECTION 134-232.-PREFERRED LOCATION OF GROUP HOMES AND FOSTER CARE FACILITIES AND SECTION 134-233.-APPLICABILITY OF WORTH AVENUE DESIGN GUIDELINES IN C-WA DISTRICT AND ADDING A NEW SECTION 134-233.-RESERVED; 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 1 through 7 referred to as “Quick Fixes Tranche 1” to the Town Council for consideration at its July 9, 2025, Development Review meeting; and

WHEREAS, Section 134-231 of the Town’s Zoning Code currently requires that any residential special exception use within the Town-Serving (C-TS), Worth Avenue (C-WA), or Office, Professional and Institutional (C-OPI) commercial districts, or any one-family residential use above the first floor within the C-TS, C-WA, or Planned Center (C-PC) commercial districts

“conform to the lot, yard, and bulk” requirements of the R-C Medium Density Residential District; and

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

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

WHEREAS, the Town’s PZB staff have recommended that Section 134-231 of the Zoning Code be repealed in its entirety as Quick Fix No. 4.

WHEREAS, Town Council on July 9, 2025, directed PZB staff to address the repeal of Section 134-231 (Quick Fix No. 4) as an immediate priority; and

WHEREAS, the Town’s Planning and Zoning Commission considered the “Quick Fixes Tranche 1” at its meeting of August 5, 2025, and recommended the adoption of Quick Fix No. 4.

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

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

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

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

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

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

Sec. 134-23~~12~~¹². - Preferred location of group homes and foster care facilities.

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

Sec. 134-23~~23~~²³. - Applicability of Worth Avenue Design Guidelines in C-WA district.

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

Sec. 134-233—Reserved.

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

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

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

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

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

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 10, 2025

To: Town Council

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

From: Planning, Zoning, & Building Staff

Re: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Improving The Uniformity Of The Appeals Processes For Development Review Matters By Amending Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 2, Architectural Commission, Section 18-177, Appeals And Review; By Amending Chapter 54, Historical Preservation, Article II, Landmarks Preservation Commission, Section 54-41; And By Amending Chapter 134, Zoning, Article II, Administration, Division 3, Appeals, Sections 134-141 Through 134-145 And Section 134-174; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
13-2025

Date: 8/22/2025

ATTACHMENTS

Draft Ordinance for Confirmed Changes

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

FUNDING

No Fiscal Impact

ORDINANCE NO. 013-2025

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

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 1 through 7 referred to as "Quick Fixes Tranche 1" to the Town Council for consideration at its July 9, 2025, Development Review meeting; and

WHEREAS, the Town's Code of Ordinances inconsistently regulates appeals of development review decisions by the Architectural Review Commission, the Landmarks Preservation Commission and the Town's administrative official at Chapters 18, 54 and 134, respectively; and

WHEREAS, the PZB staff recommended the Town amend the Town Code at Chapters 18, 54 and 134 to unify the appeals processes relating to development review projects as Quick Fix No. 5; and

WHEREAS, Town Council on July 9, 2025, directed PZB staff to address unifying the development review appeals process (Quick Fix No. 5) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 1 at its meeting of August 5, 2025, and recommended the adoption of Quick Fix No. 5.

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

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

Sec. 18-177. - Appeals and review.

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

planning, zoning and building department or his/her designee until the town council has decided the appeal. The town council may review any decision of the architectural commission or the director of the planning, zoning and building department ~~and its their disposition of the matter shall be final. In addition to appeals, the town council shall consider major projects as defined in the ARCOM Project Designation Manual at the next regularly scheduled town council meeting, subsequent to the meeting of the commission.~~ The disposition of such matters by the town council shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

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

Section 2. Chapter 54, Historical Preservation, Article II, Landmarks Preservation

Commission, Section 54-41, Appeals and Review, is hereby amended as follows:

Sec. 54-41. - Appeals and review.

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

Section 3. Chapter 134, Zoning, Article II, Administration, Division 3, Appeals,

Sections 134-141 through 134-145 and Section 134-174, are hereby amended as follows:

Sec. 134-141. - Town council powers.

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

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

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

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

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

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

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

Sec. 134-145. - Hearing procedure.

Any person appealing any decision of an administrative official made under this chapter, the architectural commission, or the landmark preservation commission, shall make such appeal within 30 calendar days after rendition of the written order, requirement, decision, or

determination that is being appealed, or the right to appeal shall be barred. Such appeal shall be filed in writing or electronically to the ~~director of the planning zoning and building town clerk~~ for consideration by the town council. The filing shall include ~~a recorded disk or~~ the documents which contain all supporting facts, and data and appropriate exhibits, plans, documents and other materials to adequately depict and support the appeal, including a verbatim transcript of the commission hearing relative to the item, and fees for the appeal. Upon receipt of the appeal, the following procedures shall be followed:

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

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

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

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

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

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

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

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

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 10, 2025

To: Town Council

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

From: Planning, Zoning, & Building Staff

Re: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Article III, -Architectural Review, At Section 18-203 Duration Of Approval; Time Extension; Denial Of Application; Determination; Clarification; Deferral; Amending Chapter 54, Historical Preservation, Article III – Certificate Of Appropriateness, Division 2-Procedures And Effect, At Section 54-94 – Duration Of Approval; Time Extension: Denial Of Application; Determination: Clarification; Deferral; And At Chapter 134- Zoning, Division 4-Special Exceptions, Variances, And Dimensional Waivers, Subdivision 1 – In General, At Section 134-173 – Deferral Request; Denial Of Application; Duration Of Approval; Time Extension; Clarification To Conform All Development Review Approval Timeframes At 24 Months From Date Of Rendered Development Order Or Written Decision; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
14-2025

Date: 8/22/2025

ATTACHMENTS

Draft Ordinance to Confirm Changes

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Cooperative Relationships

FUNDING

No Fiscal Impact

ORDINANCE NO. 014-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, -ARCHITECTURAL REVIEW, AT SECTION 18-203 DURATION OF APPROVAL; TIME EXTENSION; DENIAL OF APPLICATION; DETERMINATION; CLARIFICATION; DEFERRAL; AMENDING CHAPTER 54, HISTORICAL PRESERVATION, ARTICLE III – CERTIFICATE OF APPROPRIATENESS, DIVISION 2-PROCEDURES AND EFFECT, AT SECTION 54-94 – DURATION OF APPROVAL; TIME EXTENSION; DENIAL OF APPLICATION; DETERMINATION; CLARIFICATION; DEFERRAL; AND AT CHAPTER 134- ZONING, DIVISION 4- SPECIAL EXCEPTIONS, VARIANCES, AND DIMENSIONAL WAIVERS, SUBDIVISION 1 – IN GENERAL, AT SECTION 134-173 – DEFERRAL REQUEST; DENIAL OF APPLICATION; DURATION OF APPROVAL; TIME EXTENSION; CLARIFICATION TO CONFORM ALL DEVELOPMENT REVIEW APPROVAL TIMEFRAMES AT 24 MONTHS FROM DATE OF RENDERED DEVELOPMENT ORDER OR WRITTEN DECISION; 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 1 through 7 referred to as “Quick Fixes Tranche 1” to the Town Council for consideration at its July 9, 2025, Development Review meeting; and

WHEREAS, the Town's Code of Ordinances sets out varying durations of development review approvals from the Architectural Review Commission, Landmarks Preservation Commission, and Town Council at Sections 18-203, 54-194, and 134-173, respectively, resulting in confusion amongst applicants who may have an expired approval from a design review board while still having a valid Town Council approval for items within the same project/scope of work such as special exceptions and variances; and

WHEREAS, the PZB staff recommended as Quick Fix No. 6 that the Town amend the Town Code at Sections 18-203, 54-94 and 134-173 to synchronize all development review approval deadlines; and

WHEREAS, Town Council on July 9, 2025, directed PZB staff to address synchronizing the development review approval deadlines (Quick Fix No. 6) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 1 at its meeting of August 5, 2025, and recommended the adoption of Quick Fix No. 6.

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 18 - Buildings and Building Regulations, Article III. – Architectural Review, Division 3 – Procedures and Requirements, Section 18-203 is hereby amended as follows:

Sec. 18-203. - Duration of approval; time extension; denial of application; determination; clarification; deferral.

- (1) The applicant's approval will expire ~~12~~ 24 months from the date of the ~~rendered development order or written decision~~ ~~meeting at which the decision was rendered~~, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within ~~12-24~~ months from the date of ~~approval the rendered development order or written decision~~, the commission approval becomes void. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project. The director of planning, zoning and building may, based upon demonstrated good cause, grant a 30-day administrative extension of the duration of approval.
- (2) A maximum of one-time extension, for up to one year in duration from the original expiration date, from any of the requirements in subsection (j), may be granted or denied by the architectural commission for just cause. Said single time extension request shall be submitted ~~within the timeframe set forth in Chapter 18 in writing~~ to the planning, zoning and building department ~~at least two weeks prior to an architectural commission meeting~~, which must occur prior to the expiration date, ~~or said approval shall expire~~.
- (3) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.
- (4) Determinations of the architectural commission shall be rendered in writing.
- (5) Should a question arise as to compliance with the conditions as outlined by the architectural commission actions, a clarification hearing before the architectural commission may be called at the request of the director of the planning, zoning and building department, or by the applicant, and placed on the next available agenda.
- (6) Deferrals for a specific application shall not exceed one year cumulatively for all such deferrals made by the architectural commission, or the application shall be deemed null and void.
- (7) An initial deferral request received by the town more than seven days prior to scheduled commission hearing date may be granted for one month only or the next succeeding regular commission meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the commission meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A second request for deferral shall be made in person at the commission meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the commission may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the commission that a compelling reason exists.

Section 3. Chapter 54 - Historical Preservation, Article III – Certificate of

Appropriateness, Division 2 – Procedures and Effect, Section 54-94 is hereby amended as follows:

Sec. 54-94. - Duration of approval; time extension; denial of application; determination; clarification; deferral.

- (1) The applicant's approval will expire ~~12-24~~ months from the date of the ~~meeting at which the decision was rendered development order or written decision~~, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within ~~12-24~~ months from the date of ~~the rendered development order or written decision approval~~, the commission approval becomes void. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project. The director of planning, zoning and building may, based upon demonstrated good cause, grant a 30-day administrative extension of the duration of approval.
- (2) A maximum of one-time extension, for up to one year in duration from the original expiration date, from any of the requirements in subsection (1), may be granted or denied by the landmarks preservation commission for just cause. Said single time extension request shall be submitted ~~within the timeframe set forth in Chapter 18 in writing~~ to the planning, zoning and building department ~~at least two weeks prior to an landmarks preservation commission meeting,~~ which must occur prior to the expiration date, ~~or said approval shall expire.~~
- (3) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.
- (4) Determinations of the landmarks preservation commission shall be rendered in writing.
- (5) Should a question arise as to compliance with the conditions as outlined by the landmarks preservation commission actions, a clarification hearing before the landmarks preservation commission may be called at the request of the director of the planning, zoning and building department, or by the applicant, and placed on the next available agenda.
- (6) Deferrals for a specific application shall not exceed one year cumulatively for all such deferrals made by the landmarks preservation commission, or the application shall be deemed null and void.

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

Section 4. Chapter 134 - Zoning, Division 4 – Special Exceptions, Variances, and Dimensional Waivers, Subdivision 1 – In General, Section 134-173 is hereby amended as follows:

Sec. 134-173. - Deferral request; denial of application; duration of approval; time extension; clarification.

- (1) An initial deferral request received by the town more than seven days prior to scheduled town council hearing date may be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the town council meeting at the time the action item appears on the agenda. The applicant must explain or justify the request which the town council may approve or deny. A second request for deferral shall be made in person at the town council meeting at the time the item appears on the agenda. The applicant must explain or justify the request which the town council may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the town council that a compelling reason exists. Any deferral which is required due to a case being deferred by the architectural commission or landmark preservation commission shall be an exception to the regulation above. In no case shall a deferral exceed six months.
- (2) An application request seeking substantially the same relief cannot be accepted for consideration after it has been denied by the town council until after 12 months have elapsed from the date of denial.
- (3) The work or use authorized under an approved variance or special exception application must be commenced within ~~36-24~~ months from the date of the ~~town council approval thereof rendered development order or written decision~~, and if not

so commenced the special exception or variance shall be null and void. Commencement shall be considered at the issuance of a building permit for the work related to the application or a business tax receipt if no building permit is required. In addition, all authorized work under the building permit for said approved special exception or variance must be completed within the timeframe set forth in [Chapter 18](#) of this Code or said special exception or variance shall expire.

- (4) A request for a time extension from any of the requirements in subsection (3) may be granted or denied by the town council for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least one month prior to the expiration date or said special exception or variance approval shall expire.
- (5) Should a question arise as to compliance with the conditions as outlined by the town council actions, a clarification hearing before the town council may be called at the request of the director of the planning, zoning and building department, or by the applicant, and placed upon the next available agenda.

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

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

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

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

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

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member