



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

OCTOBER 7, 2025

9:30 AM

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

Gail Coniglio, Chair
Marilyn N. Beuttenmuller, Member
Barbara Chapman, Member
William J. Gilbane, Member
Carol LeCates, Member
Nicki McDonald, Member
Jorge Sanchez, Member
Matthew Ailey, Alternate Member
Victoria Donaldson, Alternate Member
Anne Fairfax, Alternate Member

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

ELECTION OF VICE CHAIR

MINUTES

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

APPROVAL OF AGENDA

COMMENTS

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

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

UNFINISHED BUSINESS

5. Zoning Code Items - Quick Fixes #8-14
 - 5.1 Quick Fix #8: Landmark Incentives
 - 5.2 Quick Fix #12: Basements

5.3 Quick Fix #13: Fill

5.4 Quick Fix #14: Front / Rear Setbacks

ANY OTHER BUSINESS

MEETING SCHEDULE

6. The next meeting is scheduled for Tuesday, November 4, 2025.

ADJOURNMENT

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

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

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



TOWN OF PALM BEACH

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON SEPTEMBER 3, 2025

CALL TO ORDER AND ROLL CALL

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

Members Present: Gail Coniglio, Chair; Eric Christu, Vice Chair; Marilyn Beuttenmuller, William J. Gilbane, Jorge Sanchez, Nicki McDonald, Matthew Ailey, Victoria Donaldson, Anne Fairfax

Absent: Michael Vincent John Spaziani

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

PLEDGE OF ALLEGIANCE

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

MINUTES

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

Ms. Beuttenmuller requested that "town" and "town council" be capitalized to read "Town" and "Town Council" in the Minutes.

A Motion was made by Mr. Gilbane and seconded by Ms. McDonald to approve the Minutes of the August 5, 2025, meeting as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

Clerk's Note: Ms. Donaldson will be a voting member today due to Mr. Spaziani's absence.

COMMENTS

2. OFFICIALS

Chair Coniglio welcomed new member Anne Fairfax and congratulated Ms. McDonald on being promoted to regular member. She then acknowledged the services of Messrs. Christu and Spaziani, who have both termed out and will end their service after today's meeting.

3. STAFF

There were none.

4. PUBLIC – 3 MINUTE LIMIT

There were none.

GENERAL BUSINESS - None

UNFINISHED BUSINESS

5. Discussion and Recommendation on Revised Town Resident Definition

Ms. Hofmeister presented the revised definition of Town Resident. She stated that the definition had been broken down to include Town residents who are full-time and Town residents who are seasonal.

Ms. Hofmeister noted that Ms. Carol LeCates, who will be joining the Commission next month, had submitted her comment indicating that she would like to see item 1 removed from the list of 1-4, leaving items 2-4.

Mr. Sanchez asked why item 1 would be removed. Ms. Hofmeister stated that Ms. LeCates felt that everything else could be substantiated, but item 1 could not be verified.

Ms. McDonald felt that items 1 and 2 focused on intent. She thought item 4 combined multiple indicators which showed that a resident lives in Palm Beach. She would

prefer the removal of item 4 since the general picture is the intent to live in Palm Beach. She thought the definition should include more general terms.

Mr. Christu thought item 1 should be left in the definition. He noted there could be a possibility that someone would not meet the content of items 2-4 but would still be a resident. He also stated that not many people complete and file Declarations of Domicile.

Mr. Gilbane felt that item 1 may belong in the first sentence, which indicates that a Town resident (full-time) means someone who makes the Town of Palm Beach their permanent home. He thought that items 2-4 were more objective.

Ms. Coniglio asked if someone asserted that item 1 made them a qualified resident, would they also have to substantiate that with at least one of the items 2-4. She noted that she also wanted to capture people who rent full-time in Palm Beach. She thought that they added value to the community.

Ms. McDonald wondered if the words “such as” could be added to items 3 or 4, making it broader than just the listed items.

Ms. Hofmeister suggested adding to item 4 a driver’s license.

Mr. Gilbane wondered what the concern was with item 4. Ms. Donaldson thanked Ms. Hofmeister for her work. She stated that what she hears from residents is wondering what they get for their taxes. She thought it was important to be able to answer that question, and she was pleased with the definition.

Ms. Coniglio asked if the PZC would like to add a driver’s license with a permanent address to item 4.

Mr. Ailey asked what the purpose was of defining a Town resident. He did not want to be conflated with activities such as being able to go to the gym or being able to serve on a commission. He did not think the intent of this was to allow access to parking passes, but more importantly, what it means to be a resident of the Town of Palm Beach. He also liked the idea of objective criteria.

Mr. Sanchez did not think item 1 should be deleted. He did not think that driver’s licenses should be required because there are residents who do not have driver’s licenses but are town residents.

Ms. Hofmeister said this definition, as it relates to Town serving and non-residential uses that are commercial, not residential, is where the Town person is defined. What has been found, and the reason this has not come in an ordinance format, is that this would require a comprehensive plan amendment. She explained how staff

progressed from a series of definitions starting from the hierarchy of a Town resident to a Town person, to Town serving. Mistakenly, that was placed under a policy for non-residential uses which has caused some confusion. Town resident will be a stand alone policy in the Future Land Use Element. She noted this is a feel-good practice, and historically, everything in the Town of Palm Beach has been about Town residents. She added that the resident is considered in every goal and every element, whether full-time or seasonal. She noted that the correction would be made. She said the criteria being considered would provide consistency. She concurred with Mr. Gilbane with regard to shifting that first “feel-good” into full-time, but at the same time, which captured the renter, and now it is not captured in that full-time.

Ms. Fairfax commented that if item 1 was included in the descriptor and implies that one would have to provide proof that the other three items had been done. She asked where someone’s domestic help fall within the hierarchy, as many times they are a more permanent resident in the home than the actual resident.

Mr. Christu asked if Declarations of Domicile would be vetted by the Town. He asked if the public would be informed that a Declaration of Domicile is required in order to be considered a Town resident. He said homestead exemption oftentimes turns on the manner of ownership of the property. Some get homestead, but not everyone does. He said not everyone votes, and he believes there are folks who would not qualify under items 2-4 but are valid residents of the Town. He supported leaving the definition as proposed by staff.

A Motion was made by Mr. Gilbane to take the proposed definition by staff and move #1 into the descriptor so that the below items are objective and clear. The Motion died due to lack of a second.

A Motion was made by Mr. Christu and seconded by Mr. Sanchez to adopt the definition as proposed by staff, but with an amendment to add item #5 to qualify with state ID, and #2 will be at the end. The Motion was carried unanimously, 7-0.

6. Presentation and Discussion Regarding Quick Fix #1B Mechanical Equipment - Screening Wall

James Murphy, Assistant Director of Planning, Zoning and Building, provided a quick recap of Tranche One, noting that the Town Council had shifted code reform leadership from the outside consultant to Wayne Bergman and team. He said all seven of the previously discussed quick fixes had been presented to the Council, with many moving forward for first reading.

One topic with options presented was mechanical equipment screening. Mr. Murphy said the Town Council asked that options and data be brought to the Planning and Zoning Commission to guide the drafting of an ordinance. He reviewed modified

requirements driven by FEMA and expressed hope for a solution. He outlined options for property owners needing to screen equipment installed at base flood elevation plus one, noting they would need one of two variances. He explained variances for screening walls and presented photographs of possible solutions.

Mr. Sanchez noted that he used hedges to shield his generator and believed they were sufficient. He said that by code, generators could not be too noisy, or they would have to be replaced, and most new A/C units and generators were already very quiet. He stated that walls were not green or environmentally friendly and preferred they be eliminated, with owners required to shield equipment from neighbors or the road using vegetation. He felt the code should require hedges and quiet equipment.

Mr. Gilbane agreed with Mr. Sanchez about the noise issue and said it should be separate from screening requirements. He noted that vegetation may be sufficient in some cases, while a wall worked better in others. He added that equipment visible above a hedge or wall presented an undesirable look, and he stressed that either option should fully shield the equipment, with noise being addressed separately. Mr. Gilbane added that vegetation around equipment rooms is not always a great solution in terms of maintenance. Therefore, he felt that flexibility was necessary.

Ms. Donaldson said rules should not be made if they could not be adequately enforced. Mr. Murphy responded that wall heights were easily enforceable. He noted that while a hedge would pass inspection when newly installed, it could become harder to regulate if it was not maintained in later seasons.

Mr. Christu said the issue needed to be resolved for Town residents and asked how often neighbors complained about screening solutions. Mr. Murphy replied that all projects were noticed with certified mail to ensure surrounding owners received notice. He said that whether owners were compliant or seeking a variance, neighbors often opposed equipment placed beside their property, and such issues were typically addressed by ARCOM and sometimes by Town Council when a variance was being requested.

Ms. Coniglio agreed with the hedge looking nicer, she was not sure it would capture a neighbor's desire for privacy and less noise. She asked what the existing wall height was, and Mr. Murphy said seven feet. She wondered if there was some compromise that could be reached with regard to hedges and walls.

Mr. Sanchez noted the false premise that a wall reduces sound. He said the wall is there as a definite barrier to seeing the equipment. However, if the law is that the equipment has to be invisible from the neighbor's side, all they have to do is call Code Enforcement if the vegetation becomes inadequate. He also noted that Code Enforcement watches the streets for potential violations. He acknowledged that walls can be beautiful, but do not need to be a requirement.

Mr. Ailey did not think item 1 was the ultimate goal, but rather to regulate the view of unsightly equipment. He said just because the equipment is taller does not mean that taller walls should be required. He asked if the wall concept were eliminated if there would be unintended consequences. Mr. Murphy responded, noting that with fill being needed in many cases, which may be the unintended consequences of not requiring some form of wall because the wall also serves as a retaining wall for said wall. He also noted that the wall height is measured from the lowest lying grade, typically the neighbor's property.

Ms. McDonald requested clarification that this discussion was regarding the screening wall around the equipment, not the property wall. Mr. Murphy responded they are usually the same.

Public Comment

Carol LeCates, 212 Seabreeze Avenue, noted that she was in agreement with Mr. Sanchez and Mr. Christu. She favored the vegetation screening due to the maintenance of the equipment and need for ventilation around the equipment. Ms. LeCates discussed her thoughts about the definition of Town resident.

Ms. Coniglio revisited unintended consequences. She asked if the staff saw any potential to add an item 5 to the options. Mr. Murphy said he had concerns about the wall requirement being eliminated. That said, he agreed with many of Mr. Sanchez's comments, but did not feel that an option item 5 could be added at this time. Mr. Bergman also agreed with Mr. Murphy. He said that what could be done was to consider that, for simple landscape screening only, the setback of mechanical equipment could be increased to something greater than five feet. Mr. Bergman noted that FEMA would continue to increase the required elevations.

Mr. Murphy said option two would allow screening to the height allowed by code, with a balance of vertical landscape screening, which would be required to be maintained in perpetuity.

Mr. Sanchez felt that item 2 may be best, with the balance being screened with vegetation. He thought that vegetative screening was necessary.

Ms. Fairfax wondered what would happen when an existing property with a FEMA requirement, such as a Landmarked property that is being completely renovated, would be impacted if there is an existing wall. Mr. Murphy noted that when talking about the replacement of existing equipment and particularly those on landmarked properties, Mr. Bergman and his team review those on a case-by-case basis. He said many times that the landmarked structure itself is below flood elevation. He said that he thought the modification, as presented, would capture that. Mr. Murphy discussed wall agreements and the requirement for amplified landscape screening.

A Motion was made by Mr. Gilbane and seconded by Ms. Donaldson to require screening as high as such permitted by Code and require vegetation to completely screen the equipment be sent to Town Council. The Motion was carried unanimously, 7-0.

7. Verbal Code Review Update from the August Town Council Meeting

Mr. Bergman updated us regarding last month's first tranche of quick fixes. He reported that all the items, except the generator on a single-family home, will be on next week's Town Council agenda for first reading.

NEW BUSINESS

8. Zoning Code Items - Quick Fixes #8-14

Mr. Murphy provided an overview of the next tranche of Code amendments.

Chair Coniglio inquired if the Commission was expected to make a motion or just have a collaborative discussion. He explained that 2 items could be motioned, but the other 5 would be for discussion.

8.1 Quick Fix #8: Landmark Incentives

The Landmarks Preservation Commission brought this forward recently. There is already a historically significant building program in the code, allowing for flexibility in making improvements to the structures where otherwise they would have been required to elevate or eliminate the structure. He said there are other sections of the code that need to be discussed. He provided examples. He said there would be a Landmarks Preservation Commission Project Designation Guide, which is not referenced in the code. He noted that the ARCOM designation matrix manual is referenced in the code. That matrix has been applied to landmarked properties. He stated that this endeavor by the planning staff has been in harmony with the Preservation Foundation.

Mr. Murphy discussed the code section that deals with landmark dimensional adjustment waivers. He noted that no application had been made for these waivers, and the goal would be to discover why this section of the code is dormant and not utilized. Mr. Murphy said that all discussions about waivers for landmarked properties will be limited to single-family properties and structures. He stated that dimensional waivers would be rebranded as dimensional adjustments. He discussed the changes that would be made to Section 134-237.

Friederike Mittner, Architectural Review and Historic Preservation Manager, added

that based on feedback from the Preservation Foundation, the first revision had been received. She distributed the revision and stated that it would replace the backup for LPC incentives.

Ms. Coniglio felt that a discussion should be held at this time rather than moving forward with the Landscape Open Space discussion.

Ms. Coniglio asked about the applicability of the incentives, and Mr. Bergman said that they apply to existing landmarked structures. She asked how it differed from historic site building and Mr. Bergman said the goal of this was to reward the property owners who are actually landmarked. Historical site buildings receive a pass from FEMA and from the Florida Building Code. The staff's approach was to address landmarked buildings only.

Mr. Sanchez asked if this was only for landmarked buildings or if the Town would consider some of the incentives for other structures. Mr. Murphy said waivers for non-landmarked properties would be revisited. He also noted the existing section regarding dimensional waivers in the code for structures built before 1960.

Ms. Donaldson felt positive and supportive about the proposed landmark incentives.

Mr. Christu asked whether revising concepts like CCR would affect the code as a whole, whether moving toward FAR or some other measurement could apply to Landmarks, or if it was better to wait for the overall definitional changes. Mr. Bergman responded that many concepts and terms would be eliminated with the code rewrite. Still, until then, meaningful provisions would remain with the understanding that they would be removed if CCR were eliminated.

Ms. Coniglio asked if there was a cost threshold that would trigger the provision. Mr. Murphy said he thought the authors had removed it, and Mr. Bergman explained that the intent was to eliminate the value and instead use the new LPC Matrix Guide Manual to determine whether a project was large or small. He said the draft would also be circulated to the Landmarks Preservation Commission. Since a revision had just been distributed and would not be approved or advanced at this time, Mr. Bergman suggested limiting discussion and noted it would return on next month's agenda.

The consensus of the Planning and Zoning Commission was to continue since this item would be returning next month.

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

Mr. Murphy gave an overview and stated that the Town Council had warmly accepted canopy shade trees. He also provided some proposed solutions.

8.3 Quick Fix #10: Awnings & Canopies

Mr. Murphy gave an overview of the Awnings and Canopies that are not currently defined in the Zoning Code, allowing varying interpretations and misuse. He stated that definitions would be added with graphics, locations would be refined, and zoning consequences would be reviewed.

8.4 Quick Fix #11: RD-2 Front Setbacks

Mr. Murphy discussed the RD-2 Front Setbacks. He said this burdensome setback requirement, based on multiplying the number of street frontages to determine the required front yard, made no sense. He stated that staff was recommending that this be deleted in its entirety, eliminating the section of the equation which involved multiplication.

Ms. Coniglio asked about the setback, and Mr. Murphy said the setback would be determined by the building height in the RD-2 Zoning District.

8.5 Quick Fix #12: Basements

Mr. Bergman noted that the issue of basements is overly complex. He discussed all of the basement regulations and the fact that the city's zoning code conflicts with the Florida Building Code and FEMA requirements. Staff is proposing to take a basement definition that better aligns with FEMA requirements and the Florida Building Code for consistency. He also said the term sub-basement, which contains good regulations that could be used for subterranean parking. He also noted that FEMA requirements for basements needed to be revised to address openings for air circulation and flood vents. He noted that the zoning code currently has different basement regulations based on various zoning districts, rather than geography. He posed the question of whether basements should be allowed in the future as FEMA gets tighter and regulations become stricter. He noted that staff would have some more solid recommendations for the Planning and Zoning Commission next month for further discussion.

8.6 Quick Fix #13: Fill

Mr. Murphy discussed fill requirement calculations. He discussed potential solutions. He explained the goals of the changes being made to the Fill ordinance.

Mr. Sanchez felt that new houses were being forced to have gardens where the owners would have to go downstairs to enjoy the gardens. He would prefer the required walls and fill to allow the finished floor of the house to be equal to the finished floor of the garden.

8.7 Quick Fix #14: Front/ Rear Setbacks

Mr. Bergman stated that only in the R-B zone, there is a provision that allows a front yard setback to be reduced up to five feet as long as the rear yard setback is increased to five feet. Staff is proposing a rewrite of section where the setbacks would stay the same and could not be reduced. There was brief discussion about this quick fix. No concerns were expressed.

Mr. Murphy reviewed the path forward for reviewing and addressing the quick fixes.

A Motion was made by Mr. Gilbane and seconded by Mr. Christu regarding quick fix #11 and #13 of the list to remove the multiplication based on the number of streets and the correction specifying that it is in required yards and fixing the equation for fill. Mr. Gilbane amended the motion to focus on quick fix #11 and delete #6. Mr. Christu seconded the amended motion. The motion was carried unanimously, 7-0.

ANY OTHER BUSINESS

MEETING SCHEDULE

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

ADJOURNMENT

A Motion was made by Ms. Beuttenmuller and seconded by Ms. Donaldson to adjourn the September 3, 2025, Planning and Zoning Commission meeting at 12:00 PM. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: October 7, 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: 10/1/2025

At the Planning and Zoning Commission meeting on September 3, 2025, staff presented updated versions of the staff report and draft ordinance for Quick Fix #8 at the beginning of the meeting. The Commission reviewed the revisions during the meeting, and staff informed them that the Landmarks Preservation Commission (LPC) would consider the proposed text changes at its September 17, 2025, meeting. At that meeting, the LPC reviewed the proposed changes and unanimously expressed support for staff's approach. The attached backup materials include the revised staff report and updated draft ordinances for this item.

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.

At the September 17, 2025, Landmarks Preservation Commission (LPC) meeting, the proposed code amendments received support by the commission.

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:

- Limit landmarks adjustments to single-family structures/properties.
- Revise criteria for the granting of an adjustment.
- Remove front setback relief.
- Revise 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.
- Add 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, DEFINITIONS AND RULES OF CONSTRUCTION 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, BY RENAMING SECTION 134-234, DIMENSIONAL WAIVER AND LANDMARK ADJUSTMENT DESCRIBED AND AMENDING TO DESCRIBE ADJUSTMENTS AVAILABLE FOR LANDMARKED PROPERTIES AND STRUCTURES; BY RENAMING SECTION 134-235, GENERAL CONDITIONS APPLICABLE TO ALL DIMENSIONAL WAIVERS AND LANDMARK ADJUSTMENTS AND AMENDING THE GENERAL CONDITIONS; BY RENAMING SECTION 134-237, DIMENSIONAL ADJUSTMENTS FOR SINGLE-FAMILY LANDMARKED PROPERTIES AND 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, landmarked properties and structures contribute to the Town’s rich history and architectural legacy; and

WHEREAS, as an outgrowth of the 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 to incentivize the stewardship of landmarked properties and structures and to permit compatible reconstruction, restoration or renovation, including additions, by recognizing landmark adjustment(s) from strict application of the underlying zoning district regulations in certain circumstances; 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 landmarked buildings and structures, the planning, zoning, and building director or designee, shall determine the point of measurement (zero datum) to ensure visual compatibility.

Section 32. 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 Landmark Adjustment Described.

Waivers and landmark 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 landmark 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 adjustments herein shall be identified and reviewed by the Town Council as a variance and shall meet the established standards for granting a variance, in accordance with Section 134-201.

Section 43. 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 landmark adjustment will not compromise traffic safety.
- (b) Approval of the waiver or landmark adjustment will not compromise fire safety.
- (c) ~~There shall be no objection of any abutting property owner(s). Approval of the waiver or landmark 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 landmark adjustment.~~

Section 54. Section 134-237, Dimensional Waivers for Landmark Properties, is hereby amended as follows:

Sec. 134-237. Dimensional adjustmentswaivers 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 landmark adjustmentswaivers to the strict application of the underlying zoning district regulations.

- (1) *Application of dimensional adjustmentswaivers for landmark properties.* The dimensional landmark adjustmentswaivers 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 landmark adjustmentswaivers 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 landmark adjustmentswaiver supersede the criteria for granting a certificate of appropriateness.
- (2) *Description of ~~conditional~~ dimensional adjustmentswaivers available for landmark structures.* The landmark preservation commission may apply the following ~~conditional~~ dimensional landmark adjustmentswaivers 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 and rear 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 landmark adjustment is requested; provided, however, that the street yard setback shall not be less than ten feet.~~

2. ~~The new addition(s) shall be compatible and diminutive to the massing, size, and scale 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.~~

32. 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; and-~~
 - v. Does not damage, remove, or destroy historic materials and character-defining features of the landmarked building.
- 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.
- b. ~~Relief Reduced setbacks for reconstruction, restoration, or renovation /replacement of documented portion of a nonconforming landmark buildings. that has been destroyed. Relief from the strict application of section 134-419, decrease of any required setback and landscape open space, and increase of lot coverage, angle of vision, cubic content ratio, building height and overall building height, and building angle of vision A reduction of up to 100 percent of any required setback may be approved shall be reviewed and approved by LPC landmark preservation commission as a single landmark adjustment for a landmark building as it existed when it was landmarked or when it was originally constructed. The commission shall determine whether non-original features or additions are eligible for this relief to further the historic character and significance of a landmarked property. 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 for restoration or renovation of nonconforming landmark buildings.*~~ A decrease in the minimum landscaped open space 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.
- ef. *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. ~~Granting the landmark adjustment(s) will further the preservation of the historic and architectural character of the landmark~~The reduction is necessary to permit the necessary expansion of a landmark building 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.
- f. *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. Granting the landmark adjustment(s) will further the preservation of the historic and architectural character of the landmark; 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.

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

1. Granting the landmark adjustment(s) will further the preservation of the historic and architectural character of the landmark; 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.

h. Increasing the number of stories permitted for new unattached accessory structures on 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. Granting the landmark adjustment(s) will further the preservation of the historic and architectural character of the landmark; 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;

3. The primary residence has 2 stories; and

1-4. 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 landmark 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 landmark 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. Dimensional landmark 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. The applicant or any interested party may file an appeal to the town council on any ruling by the landmarks preservation commission in accordance with Section 54-41.

Section 65. 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 76. 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 87. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 98. 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

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, landmarked properties and structures contribute to the Town’s rich history and architectural legacy; 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 the process to incentivize the stewardship of

landmarked properties and structures through the delineation of a review hierarchy that permits a more expedited review for minor compatible changes; 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 means a list of alterations to landmarked and historically significant buildings and properties that identifies whether review and approval are required from staff, the landmarks preservation commission (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 planning, zoning, and building director or designee landmarks project coordinator to be incompatible/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: October 7, 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: 10/1/2025

At the September 3, 2025, Planning and Zoning Commission meeting, the Commission requested staff to provide visuals along with further discussion related to Quick Fix #12. As a result, a presentation will be shared at the meeting. The attached backup includes an updated staff report and draft ordinance for this item.

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 six "items" to be drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is 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. In addition, FEMA regulations and the Florida Building Code address the ability to have a basement on a property, and if they are allowed, sets limit on the maximum size of the basement or enclosure. The current regulations and conflicts are at times hard to understand and interpret, even by staff. 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 differing sets of regulations for 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. The proposed changes to the code also address underground parking garages, like the ones proposed south of Sloans Curve for multifamily buildings

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

WRB/JGM/BF

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 SECTION 134-2179 TO REMOVE UNNECESSARY REGULATIONS ON 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 has examined the regulations of the Town pertaining to basements; and

WHEREAS, federal (FEMA) and state (the Florida Building Code) regulations address the ability to have a basement on a property and, ~~where allowed~~where allowed, limit the maximum size of the basement or enclosure; and

WHEREAS, the Town’s existing basement regulations are complex, including different rules for basements and sub-basements and rules dependent upon the zoning district and building location, and spread throughout Chapter 134, Zoning and Chapter 50, Floods; and

WHEREAS, Town staff recommends the current basement regulations be amended to create uniform standards for basements throughout all zoning districts, to remove the sub-basement category, to better align the zoning regulations with federal and state requirements, and to address underground parking garages; and

WHEREAS, the Town's Planning and Zoning Commission considered the proposed amendment to the basement regulations at its meeting of October 7, 2025, and recommended adoption.

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. For additional regulations ~~and the exceptions to the regulations~~ of basements see sections 134-1608, 134-1609 and 134-1611. ~~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) 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. 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, Town of Palm Beach Code of Ordinances, and the Florida Building Code. Therefore, Basements, if compliant with the above regulations, may only be permitted in:~~

- ~~1. In the FEMA "X" Flood Zone and landward of the Coastal Construction Control Line; or~~
- ~~2. In locations where the Basement Finished Floor Elevation equals or exceeds the FEMA Base Flood Elevation for the location plus one foot of freeboard; or~~
- ~~3. In locations where Enclosures, limited in size and in use, are permitted by the above-listed regulations and codes.~~

~~(b) Basements shall not be considered as story with regard to height regulations contained within this chapter.~~

~~(c) Basement area and space shall not contribute to floor area and shall not be included in any Floor Area Ratio or Cubic Content Ratio calculations.~~

~~(bd) The exterior walls of a bBasement 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 that 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 is used only for parking and building access; and~~

2. 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
3. The ~~portion of the~~ Basement exterior walls are not visible from neighboring properties and public right of ways; and
4. The Basement maintains a minimum ten foot setback to all property lines; and
5. The portion of the Basement outside of the walls of the main building above the basement shall ~~be excluded in the calculations for~~ not count as landscape open space requirements but shall count toward required lot coverage.
- 5.

(e) Openings in Basement walls are restricted to those minimal but essential openings to allow vehicle and pedestrian access, ~~required cut-outs for~~ mechanical systems, 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 exception Reserved.

~~(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. – Sub-basement exception Reserved.

~~(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, Section 134-2179(a), Utilization of Yards, is amended as follows:

"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

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.

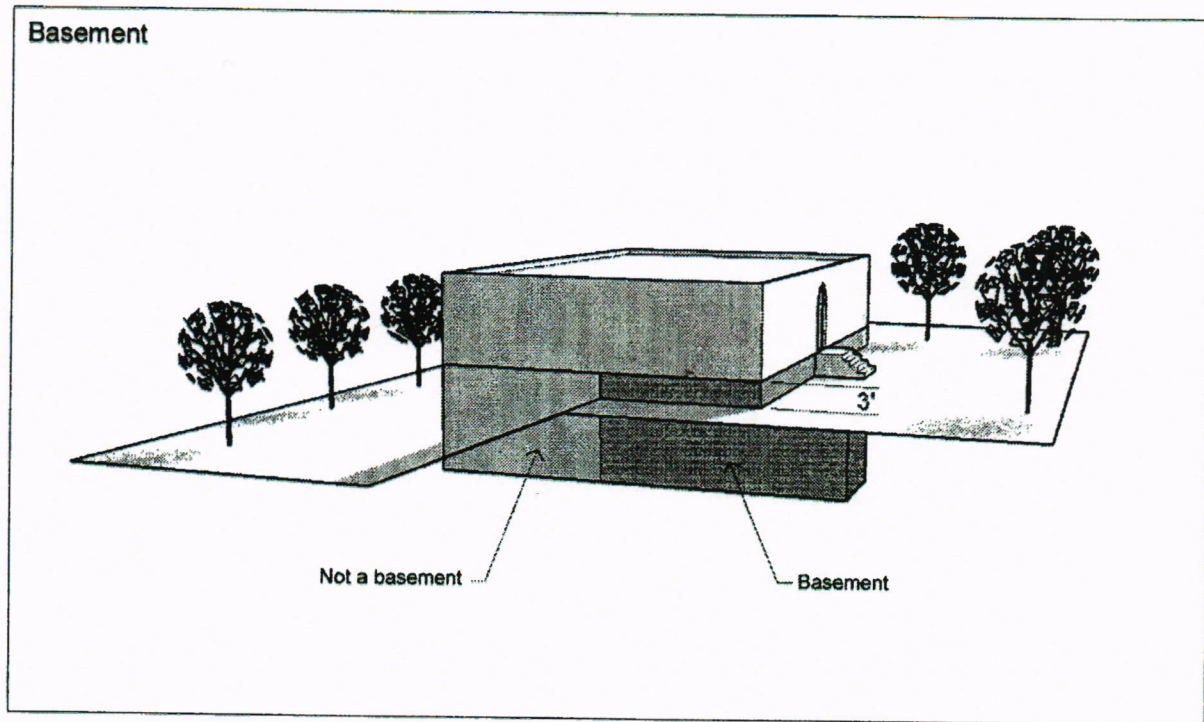
Since the lowest floor of a residential building must be above the BFE, the only way to build a residential basement in the floodplain under NFIP minimum requirements is if it is elevated on fill and surrounded by fill. Floodproofed nonresidential basement are allowed, provided they meet the requirements 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: October 7, 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: 10/1/2025

At the September 3, 2025, Planning and Zoning Commission meeting, the Commission requested staff to provide visuals related to Quick Fix #13. As a result, a presentation will be shared at the meeting. However, no changes have been made to the attached staff memo or draft ordinance for this item.

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: October 7, 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: 10/1/2025

At the September 3, 2025, Planning and Zoning Commission meeting, the Commission requested staff to provide visuals and additional possibilities related to Quick Fix #14. As a result, a presentation will be shared at the meeting. The staff report and the draft ordinance back-up for this item will be updated after direction from the Commission has been provided.

ATTACHMENTS

None

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact