



TOWN COUNCIL MEETING

TOWN OF PALM BEACH

NOVEMBER 13, 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. MAYOR AND TOWN COUNCIL MEMBERS
2. PUBLIC - 3 MINUTE LIMIT

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

PUBLIC HEARINGS

ORDINANCES

3. FIRST READING

- 3.1 **29-2025** 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; 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; Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, At Section 54-93 To Reference The LPC Approval Guide; And Article III, Certificate Of Appropriateness, Division 3, Criteria For Issuance, At Section 54-121 To Reference The LPC Approval Guide; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
- 3.2 **30-2025** 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.

- 3.3 31-2025** 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.

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: November 13, 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 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; 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; Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, At Section 54-93 To Reference The LPC Approval Guide; And Article III, Certificate Of Appropriateness, Division 3, Criteria For Issuance, At Section 54-121 To Reference The LPC Approval Guide; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
29-2025

Date: 10/30/2025

ATTACHMENTS

Staff Report

Draft Ordinance 029-2025 (QF #8)

Business Impact Statement

STRATEGIC PLAN

Strategic Priorities:

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

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" 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.

At the October 7, 2025, Planning and Zoning (PZB) meeting, the commission supported (6-1) the proposed ordinances with clerical amendments submitted to staff.

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. 029-2025 & 030-2025 are ready for approval on First Reading.

WRB/JGM/AF/FHM

ORDINANCE NO. 029-2025

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; 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; ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 2, PROCEDURES AND EFFECT, AT SECTION 54-93 TO REFERENCE THE LPC APPROVAL GUIDE; AND ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 3, CRITERIA FOR ISSUANCE, AT SECTION 54-121 TO REFERENCE THE LPC APPROVAL GUIDE; 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 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 to further incentivize the stewardship of landmarked properties and structures through the delineation of a review hierarchy that permits a more expedited review of 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.

- (a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.
- (b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.
- (c) Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.
- (d) The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.
- (e) For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.
- (f) An exterior change project determined by the Planning, Zoning, and Building director or designee ~~landmarks project coordinator~~ to be incompatible with the historic resource ~~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.~~

- (g) Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission.

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.

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.

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



THE TOWN OF PALM BEACH Business Impact Estimate

TITLE OF ORDINANCES:

ORDINANCE NO. 029-2025

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; 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; ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 2, PROCEDURES AND EFFECT, AT SECTION 54-93 TO REFERENCE THE LPC APPROVAL GUIDE; AND ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 3, CRITERIA FOR ISSUANCE, AT SECTION 54-121 TO REFERENCE THE LPC APPROVAL GUIDE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BUSINESS IMPACT ESTIMATE:

This is provided in accordance with section 166.041(4), Florida Statutes. According to Section 166.041(4)(c) of the Florida Statutes, if one or more boxes are checked below, state law does not require a business impact estimate for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s.163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220 - 163.3243.
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.

- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention

In accordance with the provisions of controlling law, the Town hereby publishes the following information:

1. Summary of the proposed ordinance:
The Ordinance has been prepared to create the Landmark Preservation Commission (LPC) Approval Guide which will create a list of alterations to landmarked and historically significant buildings and properties that identifies whether review and approval are required from staff, the LPC Chair, or the full Commission at a public hearing.
2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:
No negative impact on any resident or business is anticipated once the Ordinances are adopted.
3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
The Ordinance will apply to all alterations to landmarked and historically significant buildings and properties, thereby impacting any business' building and/or property that is Under Consideration for Landmarking or has been Landmarked or recognized as Historically Significant.
4. Additional information the governing body deems useful (if any):
The LPC Approval Guide 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 LPC.

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Palm Beach's website by the time notice of the proposed enactment of the ordinance is published.

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 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 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.
30-2025

Date: 10/30/2025

ATTACHMENTS

Staff Report

Draft Ordinance No. 030-2025

Business Impact Statement

STRATEGIC PLAN

Strategic Priorities:

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

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.

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At the October 7, 2025, Planning and Zoning (PZB) meeting, the commission supported (6-1) the proposed ordinances with clerical amendments submitted to staff.

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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.

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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.

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- Limit landmarks adjustments to single-family structures/properties.
- Revise criteria for the granting of an adjustment.
- Remove front setback relief.
- Revise side/rear setbacks.
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- 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. 029-2025 & 030-2025 are ready for approval on First Reading.

WRB/JGM/AF/FHM

ORDINANCE NO. 030-2025

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, through landmark adjustment(s) that provide relief from the 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.

A dimensional w~~Waivers~~ and landmark adjustment ~~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.

Any additional relief beyond the prescribed dimensional waiver and/or landmark adjustment 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 dimensional waiver or landmark adjustment will not compromise traffic safety.
- (b) Approval of the dimensional waiver or landmark adjustment will not compromise fire safety.
- (c) ~~There shall be no objection of any abutting property owner(s). Approval of the dimensional waiver or landmark adjustment will not have a materially negative impact on adjacent and surrounding properties.~~

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

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

The purpose and intent of this section is to provide owners of single-family landmark properties and structures with flexibility in the rehabilitation, expansion, and redevelopment of buildings and structures within the ~~T~~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 fromto~~ the strict application of the underlying zoning district regulations.

- (1) Application of ~~landmark 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 waivers of this section shall be applied in addition to t~~The standards for approval of certificates of appropriateness ~~that are~~ set out in chapter 54 shall be applicable. ~~It is not the intent of this section that the consideration of a dimensional waiver supercedes the criteria for granting a certificate of appropriateness.~~
- (2) Description of ~~landmark conditional dimensional adjustmentswaivers available for landmark structures~~. The ~~L~~landmark ~~P~~preservation ~~C~~commission may apply the

following ~~conditional-dimensional-landmark adjustments~~waivers as an alternative to the strict application of the underlying zoning district regulations:

- a. ~~Setback reductions~~*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.*

~~A.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 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.~~

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

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

2. ~~The new addition(s) shall be compatible and subservient compared to the massing, size, and scale of the existing landmarked building.~~

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 minimis, 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. Any application seeking relief from the strict application of section 134-419; decrease of any required setbacks, and landscape open space; increase of lot coverage, angle of vision, cubic content ratio, building height, 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 the Landmarks Preservation Commission as a single landmark adjustment for a landmark building as it existed when it was landmarked or 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. *Increase~~ing~~ in 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. *Decrease~~ing~~ in 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 forrestoration 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. *Decrease~~ing~~ in 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. ~~Approval of the landmark adjustment 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. *Increase in 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. Approval of the landmark adjustment 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. Increase in 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. Approval of the landmark adjustment 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. Increase in 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. Approval of the landmark adjustment 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
 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 adjustmentswaivers.
 - 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 adjustmentswaivers 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. 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



THE TOWN OF PALM BEACH

Business Impact Estimate

TITLE OF ORDINANCES:

ORDINANCE NO. 030-2025

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.

BUSINESS IMPACT ESTIMATE:

This is provided in accordance with section 166.041(4), Florida Statutes. According to Section 166.041(4)(c) of the Florida Statutes, if one or more boxes are checked below, state law does not require a business impact estimate for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s.163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220 - 163.3243.

- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention

In accordance with the provisions of controlling law, the Town hereby publishes the following information:

1. Summary of the proposed ordinance:
The Ordinance is prepared to update the Zoning Code's Landmark Incentives related to zoning and design to incentivize the stewardship of landmarked properties and structures and to permit compatible reconstruction, restoration or renovation, including additions, through landmark adjustments that provide relief from the strict application of the underlying zoning district regulation in certain circumstances.
2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:
No negative impact on any resident or business is anticipated once the Ordinances are adopted.
3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
The Ordinance will apply to all alterations to landmarked and historically significant buildings and properties, thereby impacting any business' building and/or property that is Under Consideration for Landmarking or has been Landmarked or recognized as Historically Significant.
4. Additional information the governing body deems useful (if any):
Nothing in the proposed Ordinance is more restrictive and the changes to the code are all designed to simplify the zoning process and to make the regulation easier to understand and incentivize landmarking or historic designations.

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Palm Beach's website by the time notice of the proposed enactment of the ordinance is published.

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 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 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. 31-2025

Date: 10/30/2025

ATTACHMENTS

Staff Report

Draft Ordinance

Business Impact Statement

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on August 13, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are referred to as "Quick Fixes Tranche 02." The presentation was well received with a consensus of the Council to have the "items" drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number thirteen. The Planning & Zoning Commission recommended this ordinance to Council at their October 7, 2025, meeting.

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.

The Planning & Zoning Commission recommended this ordinance to Council at their October 7, 2025, meeting.

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. 031-2025 is ready for approval on First Reading.

WRB:JGM

ORDINANCE NO. 031-2025

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



THE TOWN OF PALM BEACH

Business Impact Estimate

TITLE OF ORDINANCES:

ORDINANCE NO. 031-2025

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.

BUSINESS IMPACT ESTIMATE:

This is provided in accordance with section 166.041(4), Florida Statutes. According to Section 166.041(4)(c) of the Florida Statutes, if one or more boxes are checked below, state law does not require a business impact estimate for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s.163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220 - 163.3243.
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention

In accordance with the provisions of controlling law, the Town hereby publishes the following information:

1. Summary of the proposed ordinance:
The Ordinance is prepared to correct the calculation related to “fill” within the zoning regulations.
2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:
No negative impact on any resident or business is anticipated once the Ordinance is adopted.
3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
The Ordinance will apply to all land-use applications and building permits with no impact.
4. Additional information the governing body deems useful (if any):
Nothing in the proposed Ordinance is more restrictive and the change to the calculation in the code is only designed to correct the formula that previously had a Scribner's error when transmitted to Municode.

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Palm Beach's website by the time notice of the proposed enactment of the ordinance is published.