

TOWN OF PALM BEACH

Minutes of the Town Council Development Review Meeting Held on October 15, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:41 AM in the Town Council Chambers.

Members Present: Bridget Moran, Ted Cooney, Lewis Crampton, Bobbie Lindsay, Julie Araskog, and Danielle Moore

Staff Present: Wayne Bergman, James Murphy, Jennifer Hofmeister, Kelly Churney, and Attorney Joanne O'Connor

INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Churney led the invocation, and Council President Lindsay led the Pledge of Allegiance.

APPROVAL OF AGENDA

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the agenda as amended. The motion was carried unanimously, 5-0.

ADMINISTRATION OF THE OATH

Town Clerk Churney swore in all those intending to speak and continued to do so throughout the meeting, as necessary.

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

Council Member Araskog was thankful for the release of the Israeli hostages and requested prayers for the people in Gaza.

Mayor Moore thanked Doug Evans for the Palm Beach Chamber of Commerce breakfast this morning, which was primarily sports-related. She announced that the FIFA World Cup would be

coming to Hard Rock Stadium in the summer of 2026. She also mentioned that Habitat for Humanity was a sponsor of the breakfast, stating they have nearly 500,000 volunteer hours dedicated to building houses.

Council President Pro Tem Crampton reflected on the outcome at Tuesday's Town Council meeting, which included a white paper on Code Enforcement, Patricia Strayer's notice to the public regarding the paving plan, and Paul Brazil agreed to provide a Tree plan for the Town.

Council President Lindsay added that South Florida is very sports-minded. She echoed Mayor Moore's comments about the breakfast. She also noted the Town Council would like to see more shade trees along the sidewalks.

2. PUBLIC - 3 MINUTE LIMIT

Council President Lindsay called for public comment. No one indicated a desire to speak.

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to approve the consent agenda as presented. The motion was carried unanimously, 5-0.

Council Member Araskog stated she would like to remove ZON-25-0047, 1050 N Lake Way, from the consent agenda to be heard.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to reconsider the previous motion relating to the consent agenda. The motion was carried unanimously, 5-0.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the consent agenda, as amended. The motion was carried unanimously, 5-0.

PUBLIC HEARINGS

- 3. Appeal of ARCOM - ARC-25-0035 940 N LAKE WAY**
This appeal was withdrawn by the applicant.

****Note: This item was withdrawn at the approval of the agenda.***

- 4. Appeal of Administrative Decision Regarding 266 Oleander Ave.**

Assistant Director of Planning and Zoning James Murphy stated on July 16, 2025, that an administrative determination had been made, indicating that the applicant was unable to develop a parcel of land. The town processes many applications for the redevelopment of nonconforming parcels of land under the provisions of Town Code Chapter 134. He stated that the parcel of land in question is designated as R-C. Under the provisions of the code, unlike special exceptions or other site plan reviews, to develop a nonconforming parcel of land in the R-C district requires a variance. He stated that the vacant lot existed in the same configuration for a minimum of thirty years. In this regard, the applicant had not provided the staff with substantial evidence to

demonstrate that the parcel has existed in its current block configuration for a minimum of 30 years. Therefore, staff had no alternative but to deny the application from an administrative perspective. This is being brought to the Town Council in tandem with the next agenda item, ZON-25-0057.

Town Attorney Joanne O'Connor indicated that there was no record of a unity of title for lots 6 and 7.

There was a consensus of the Town Council to send the issue of the 30-year configuration of a parcel to the Planning and Zoning Commission (PZC) for discussion.

Council Member Moran noted the gray area regarding the unity of title.

Mr. Bergman stated that a lot of time was being spent on the subdivision Code in Chapter 110. He said the Town should be involved in the process, and therefore, some changes have been suggested which are currently under review by the Town Attorney. Mr. Bergman stated that his department was not punitive with this application, pointing out the next agenda item. He said the Town Council could continue with the variance request, which would make the Architectural Commission's (ARCOM) job much cleaner if they understood that the Town Council upheld the appeal and would consider granting variances to allow this very nonconforming lot to be developed.

Guy Rabideau, Attorney representing Beach Gal, LLC, stated that his client had purchased the property in March 2025. He explained the property in relation to the surrounding lots and the historical common ownership of the lots. He pointed out the configuration of the lots over the past five years. Mr. Rabideau expressed concern about the interpretation the staff took regarding the subject lot.

Council Member Araskog asked Attorney O'Connor whether a decision in favor of the appellant would invalidate staff's use of the ordinance entirely or if it would apply only to this specific property, essentially seeking clarification on whether the ruling would have broader implications or be limited to this case. Town Attorney O'Connor explained that the Council's decision would apply only to the specific property in question. She noted that staff plans to review this section of the code during the upcoming zoning code reform.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Moran to grant the appeal as requested. The motion was carried unanimously, 5-0.

5. ZON-25-0057 (ARC-25-0063) 226 OLEANDER AVE VACANT (LOT 6 OF THE PLAT OF THE JEANNETE COURT ADDITION TO PALM BEACH) (COMBO) – VARIANCES. The applicant, Beach Gal LLC (Melissa Schorr, Manager), has filed an application requesting Town Council review and approval of four (4) variances for development of a nonconforming parcel of land in the R-C zoning district which is (1) deficient in lot width, (2) deficient in lot depth, (3) deficient in lot area, and (4) for review of the COMBO application by town council prior to review of the application by ARCOM. Review of the COMBO application is contingent on the applicant's appeal of

administrative determination being upheld by the Town Council regarding the current configuration of the parcel. The Architectural Commission shall perform design review of the application.

Council Members Araskog, Cooney, Moran, Council President Lindsay, Council President Pro Tem Crampton, and Mayor Moore disclosed ex parte communications.

Mr. Murphy provided staff comments on the project, pointing out important points that may be considered.

Council President Pro Tem Crampton asked about the hardships associated with the variance application. Mr. Murphy explained the hardships to support the request.

Council Member Araskog asked Council Member Cooney for his opinion regarding the variance and hardships. He said he would love to have their feedback, but nothing in the request relates to anything within ARCOM's purview. He said that if anything related to ARCOM's purview, he would not grant variance one.

Council Member Moran confirmed that the Town Council would not approve the building's design. Mr. Murphy provided confirmation.

Attorney David Klein, on behalf of the applicant, discussed the variance requests and advocated for approval. Rich Leja of ACI Architects presented the proposed architectural plans.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Moran that Variance No. ZON-25-0057 226 Oleander Avenue shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 5-0.

GENERAL BUSINESS

6. MATTERS PULLED FROM CONSENT AGENDA

7. ZON-25-0047 (ARC-25-0047) 1050 N LAKE WAY (COMBO) – SPECIAL EXCEPTION. The applicant, CFH Land Trust (J. Scott Feeley, Trustee), has filed an application requesting town council approval of a special exception for redevelopment of an existing nonconforming parcel of land. The Architectural Commission shall perform design review of the application. *[The Architectural Commission approved this project with conditions and a review by the Chair. Carried 4-3.]*

This item was pulled from the consent agenda by Council Member Araskog.

Council Member Araskog stated she asked to pull this item because she wanted to know why the vote for the approved project at the Architectural Commission was 4-3.

Assistant Director James Murphy reviewed the project, stating that the three dissenters wanted additional conditions related to the architecture, particularly regarding the detailing of the two

flanking garages.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the special exception as requested. The motion was carried unanimously, 5-0.

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

Assistant Director James Murphy reviewed the first group of zoning code items that had been presented. He discussed the second group of zoning code items. He thanked Council President Pro Tem Crampton for discussing street trees. He stated that staff would be discussing Landmark Incentives, Basements, Fill, and Front/Rear Setbacks.

8.1 Quick Fix #8: Landmark Incentives

Mr. Murphy provided a recap of the conversations with the Planning and Zoning Commission, first presented at their August 3, 2025, meeting.

Friederike Mittner, Architectural Review and Design Preservation Manager, stated staff had been charged by the Town Council and the Landmarks Preservation Commission (LPC) to bring greater enthusiasm and more participation to the town's Landmarks program. Staff took a multi-faceted approach and received support to eliminate the \$2,000 threshold that would trigger review, as well as include an approval matrix in the code, officially. She noted that some great feedback was given from Planning and Zoning Commission members, a large percentage of which were scrivener's corrections. Copies of the Ordinance, both before and after PZC review, have been provided.

Ms. Mittner said there was an opportunity to rebrand existing code language and make adjustments, which would need to be approved by the LPC and subsequently by the Town Council. She noted that the two other significant improvements would be re-vesting in nonconformities and the opportunities for expansion. She provided examples of each.

Council Member Moran was supportive of the landmark initiatives.

Council President Pro Tem Crampton stated that the beauty of the Town depends greatly on the number of structures that can be landmarked. He said the part that spoke about expansion is considered a disincentive to many property owners. He also felt that the CCR requirements needed further study. He asked why the Planning and Zoning Commission wanted to further discuss the Landmark Incentives. Mr. Murphy stated that they had requested additional information, which was provided, and that the PZC had transmitted it favorably to the Town Council.

Council Member Araskog and Council Member Cooney agreed with Council Member Moran.

The consensus from the Town Council is for the staff to draft an ordinance for first reading by the Town Council.

8.2 Quick Fix #12: Basements

Director Bergman stated that he had been working on the code reform related to basements. He noted this had not been a quick fix. He referred to the varied regulations that govern the construction of basements. He explained that he was trying to simplify the issue of basements while aligning the various groups with the same set of regulations. He said the main question is whether the Town should allow basements now and in the future. He noted that staff would like to look at and possibly eliminate sub-basements.

Council Member Araskog asked which districts allowed for basements. Mr. Bergman stated that it would apply to all districts. Council Member Araskog thought that basements were essential for commercial, but wondered if the R-B district should be separated.

Council President Pro Tem Crampton did not think the code was ready to incorporate FEMA requirements, particularly in the south end, with the Ambassador project, which foresees underground parking and more landscaping on the surface. He then raised the question of flood vents on the buildings, which are required by FEMA but disallowed in the Town Code.

Council President Lindsay called for public comment. No one indicated a desire to speak.

The consensus from the Town Council is to allow staff to continue working on the ordinance and present the changes to the Planning and Zoning Commission for their review.

8.3 Quick Fix #13: Fill

Mr. Murphy stated that the staff desired to fix a scrivener's error by transmitting the 2020 ordinance that switched the equation. He noted that the Planning, Zoning, and Building Department (PZB) transmitted that to correct the intention of the fill ordinance.

Council Member Araskog wondered if fill would be reviewed in relation to the Lake Trail. Mr. Bergman stated he would need to adjust the code to add fill to the Lake Trail and the bulkhead. He said that the Planning and Zoning Commission would need to review this and then would return to the Town Council.

Consensus was to allow the staff to return with an ordinance to be reviewed on first reading that would correct a transmittal error to Municode.

Attorney Jamie Crowley stated that the change in landmark incentives would save homeowners money. He knew of one in particular: they had paid \$15,000 in application fees.

8.4 Quick Fix #14: Front / Rear Setbacks

Mr. Murphy presented the modification of front/rear setbacks and provided background information about Ordinance 16-09. The ordinance, adopted in 2009 without discussion, predates multiple FEMA map changes that raised required home elevations. Showing examples of homes out of character with their streets, he noted that conditions in the north end differ significantly. Staff recommended that such requests be reviewed on a case-by-case basis by ARCOM or LPC, through a design waiver, allowing better project tracking. Alternatives included keeping the provision as-of-right, deleting it entirely, or adopting the design-waiver approach. He cited and provided images of twelve examples of encroachment that fell outside the required setbacks.

Mr. Murphy discussed the survey that was conducted with 16 local architects and shared the results. He further discussed the diverse nature of architectural styles and stated the options presented to the PZB for consideration. Staff's recommendation was to convert the "as a right" allowance to an ARCOM-reviewed design waiver.

**Note: Mayor Moore left the meeting at 11:00 a.m.*

Council President Pro Tem Crampton thought the path suggested was appropriate. He asked about the percentage of variances granted that were related to setbacks. Mr. Murphy estimated that 25% related to side setbacks.

Council Member Cooney thought the compromise as presented was agreeable. He concurred that all streets are different.

Council Member Araskog thanked Mr. Murphy for proposing the compromise and was in favor of the suggestion.

Mr. Murphy stated that he intended to present the concept to the Architectural Commission (ARCOM).

Council Member Moran was glad that the suggestion would be trackable. She stated that in reviewing streetscapes, it seemed one-dimensional. She asked Mr. Murphy to add contextual examples to the review.

Council President Lindsay agreed with Ms. Moran and thought the staff was on the right track.

Council President Pro Tem Crampton commended the staff and the Planning and Zoning Commission for their work and for bringing forward suggestions for review.

Council President Lindsay called for public comment.

Attorney Maura Ziska thanked the staff for bringing the issues with the code forward for review.

Aimee Sunny, The Preservation Foundation of Palm Beach, thanked the Town Council and staff for their work on these incentives.

The consensus from the Town Council is to direct staff to work on the next steps to create a draft R-B Front/Rear Setbacks Design Waiver.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to move item 9 to be heard after item 13. The motion was carried unanimously, 5-0.

9. Possible Changes to the Town Construction Schedule (Duration of Permits)

Mr. Bergman reviewed research he summarized in a memo to the Town Council. He reviewed the Town regulations and process for time extensions to ensure that adequate time was being allowed for owners to complete their construction projects, while eliminating the need for repetitive

public extensions that some contractors seem to be facing. Mr. Bergman shared the data he found while researching this issue. He said that while he was able to find 118 public permit extension requests, there have been hundreds of these. As of 2025, there have been 32 public time extensions, and in 2021, there were 6. Not included in this count are the dozens that have been administratively approved. Mr. Bergman felt the biggest difference between Palm Beach and other areas is that the projects continue to change.

He reviewed some of the reasons for public extension requests. He also discussed the administrative approval process. Mr. Bergman reviewed other communities and shared durations found in other jurisdictions. He said that most communities he examined had durations ranging from 90 days to 180 days, with the majority being 180 days. He noted that when inspections were conducted, permits were automatically extended. He also noted that in some areas, the renovations had a longer duration than new construction.

Mr. Bergman proposed changes to both the maximum time permitted for new construction and the time permitted for remodel accessory work to reflect something more in line with reality. He said there were no major changes, except for extending the smaller projects from 16 months to 18 months and recapturing the maximum time for the remodel accessory structure for everything else. He said he could draft an ordinance to make the suggested changes permanent. He also recommended allowing the department a little more administrative leeway for extensions. He noted that many of the projects that reach the Town Council are only requesting three months or less of an extension.

Council Member Moran asked, since it is known that remodels take longer, why wouldn't a remodel be automatically granted more time? Mr. Bergman felt that was a good point and stated his willingness to make any changes directed by the Town Council. Council Member Moran asked how many times contractors could request extensions, and Mr. Bergman said that for the building permit extensions, there is no limit.

Council Member Araskog thought that some of the changes, perhaps the ARCOM changes, could be returned to the Chairperson for approval. She said perhaps some of the minor changes could be fast-tracked and placed on the consent agenda.

Council President Pro Tem Crampton requested additional data pertaining to the administrative approvals by the building official. Mr. Bergman said he found that, except for Palm Beach and Jupiter Island, no other municipalities have permit durations. The permits are valid for six months; as long as one inspection is conducted per six-month period, the permits are automatically extended for an additional six months.

Council President Lindsay thought there were many time extensions in the Town; however, she had no experience in the field.

Council Member Cooney saw some merit in the proposal in response to quality-of-life concerns. He said it may not be unreasonable to tack on some additional time to have shorter work hours. He noted it's a compromise.

Council Member Moran liked the suggestion to increase Mr. Bergman's permission to grant a 90-day extension (rather than the existing 30-day extension).

Council Member Araskog said her only concern was regarding the inclusion of the neighbors.

Mr. Bergman thought that 60 to 90 days would cover a majority of the requests for extensions.

Council President Lindsay called for public comment.

Kyle Papke of PBB Construction agreed with prior comments, emphasizing that contractors are motivated to finish projects quickly and that delays often result from interior changes outside ARCOM's review. He supported keeping project timelines but allowing flexibility for responsible contractors who maintain good records and minimize neighborhood disruption.

The consensus from the Town Council was to maintain the current schedule as is, but to allow the Director of Planning, Zoning, and Building to extend a permit by 90 days.

UNFINISHED BUSINESS

10. ZON-25-0030 (ARC-25-0024) 124 BRAZILIAN AVE (COMBO) – VARIANCES The applicant, Gulf Stream Trust (Maura Ziska Representative, Kirchoff & Associates Architect), has filed an application requesting Town Council review and approval of four (4) variances to (1) reduce required number of garage spaces, (2&3) retain reduced west side yard setbacks at both first and second floors and (4) to reduce the required east side yard first floor setbacks for various additions and alterations. The Architectural Commission (ARCOM) shall perform design review of the application. *This project shall be deferred to the March 18, 2026, Town Council meeting, pending architectural review.*

****Note: This item was deferred to March 18, 2026, at the approval of the agenda.***

NEW BUSINESS

11. ZON-25-0041 163 SEMINOLE AVE – VARIANCES The applicant, The 2012 Steven H. Rose Irrevocable Trust (Dale Coudert, Trustee), has filed an application requesting Town Council review and approval of five (5) variances as they pertain to the conveyance of a 15-foot wide strip of land from the subject property to the neighboring property to the west at 165 Seminole Ave, resulting in new or increased nonconformities for the subject property. The requested variances include: (1) to reduce the existing conforming west side yard setback for an unenclosed accessory structure, (2) to further reduce the existing nonconforming west side yard setback for an enclosed accessory structure, (3) to further increase the existing nonconforming lot coverage, (4) to further reduce the existing nonconforming landscape open space, and (5) to increase the existing Cubic Content Ratio (CCR) of the structures.

Mr. Murphy provided staff comments on the project.

Council Members Araskog, Cooney, Moran, Council President Lindsay, and Council President Pro Tem Crampton disclosed ex parte communications.

Council Member Araskog thought the Town's Comprehensive Plan did not allow for making

something nonconforming. Mr. Bergman explained that the Comp Plan laid out the intent, and the zoning code takes that intent and creates regulations for the Town. In this case, they are requesting the development of nonconformities, which can be addressed through the five variances. Mr. Murphy added that when the Town Council approved the lot split, five of the variances were granted at that time. Council Member Araskog asked about its review by the Landmarks Preservation Commission in November. Mr. Murphy said nothing in the Code required the Landmarks Preservation Commission to review lot line adjustments for the land. He stated that the entire site is considered part of the subject property for the purpose of Landmark status.

Council Member Cooney explained the home owned by Ms. Coudert, which is under consideration for designation. He used the drawing to explain the configuration of the properties and stated his perception of the request.

Attorney Maura Ziska, representing the homeowner, explained the variance requests and advocated for approval. Ms. Ziska spoke about the hardship justifying the request.

Council President Lindsay thought that it was important to landmark the important building. She hoped that if the variances were granted, the building would promptly be landmarked.

Dale Coudert, 163 Seminole Avenue, explained that she inherited her 1920s landmark home, which holds deep sentimental value and features original Portuguese tile. She described her request as a labor of love to protect the house, noting that her husband built another smaller home for her, but she may need to sell it to afford to keep the landmark property.

Council Member Araskog asked about the hardship. Ms. Ziska responded.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0041 163 Seminole Avenue shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 5-0.

12. ZON-25-0052 (ARC-25-0057) 130 SUNRISE AVE PH8 (COMBO) – VARIANCE. The applicant, PH8 SUNRISE AVE REVOCABLE TRUST (Paul A. Krasker, Trustee), has filed an application requesting Town Council review and approval for one (1) variance for a retractable awning above the maximum building height permitted, on the existing penthouse level of an existing nonconforming multifamily building.

Council Member Cooney disclosed ex parte communications.

Mr. Murphy provided staff comments on the project.

Council Member Moran wanted to make sure the awning would be white. Mr. Murphy responded that ARCOM approved a white retractable awning. He said that if an administrative request was ever submitted for another color, it would have to be approved by the full commission.

Council Member Araskog asked if the awnings in the other units were similar. Mr. Murphy responded that they were almost identical. Council Member Araskog asked about the hardship.

Mr. Murphy shared his perspective on the hardship.

Council President Lindsay called for public comment. No one indicated a desire to speak.

Attorney Maura Ziska, representing the owner, discussed the variance request and advocated for approval.

A motion was made by Council Member Araskog and seconded by Council Member Cooney that Variance No. ZON-25-0052 130 Sunrise Avenue, PH 8, shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 5-0.

13. ZON-25-0056 229 ROYAL POINCIANA WAY--HENRYS – SPECIAL EXCEPTION. The applicant, Flagler System Management, Inc. (Darren Hirsowitz), has filed an application requesting Town Council review and approval for a Special Exception for outdoor café seating (16 seats) associated with Henry's restaurant in the C-TS district. The outdoor seats shall be taken from the approved interior seating plan for the restaurant, therefore there is no increase in number of seats.

Council Members Araskog, Cooney, and Moran disclosed ex parte communications.

Mr. Murphy provided staff comments on the project.

Council Member Araskog asked if there were neighbors near the courtyard. Mr. Murphy responded that the courtyard would be subject to neighboring residential units.

Attorney Jamie Crowley, on behalf of the applicant, explained the request and advocated for approval. He noted that there had been communications with the neighbors.

Council President Pro Tem Crampton inquired about the area north of the café. Mr. Crowley said there was not a lot of traffic. There is no problem with people traversing the area. He said this would be a very quiet type of environment.

Council Member Cooney noted that this restaurant does not overcrowd the spaces.

Council Member Araskog thought the seating added to the restaurant's charm. She stated that she does not like the purple and yellow illuminated signage and asked the attorney if that could be changed.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Moran that Special Exception No. ZON-25-0056 229 Royal Poinciana Way shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried 5-0.

A motion was amended by Council Member Araskog and seconded by Council Member Moran that Special Exception No. ZON-25-0056 229 Royal Poinciana Way shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable

criteria set forth in Section 134-229 of the Town Code have been met, with the condition that the 16 outdoor seats are pulled from the allowable and approved indoor seating. The motion was carried 5-0.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to reorder the agenda to hear ZON-25-0058 860 Ocean Blvd. as the next item. The motion was carried unanimously, 5-0.

14. ZON-25-0058 860 S OCEAN BLVD—VARIANCE. The property owner, Janet S. Cafaro Trust (M. Timothy Hanlon, Authorized Representative), has filed an application requesting Town Council review and approval for a variance to construct a new seawall, 3'-4" east of the existing seawall, which is east of the Town of Palm Beach bulkhead line, in lieu of the seawall being placed directly on or within 12" to the bulkhead line.

There is no disclosure of ex parte communications.

Mr. Murphy provided staff comments on the project.

Council President Pro Tem Crampton inquired about the location of the Midtown seawall, wondering if it would provide the same protections and be integrated into the town's efforts in front of the public property. Mr. Murphy stated it was a step in resiliency.

Council Member Araskog asked if the height of the seawall would change. Mr. Murphy stated he believed the height would change. Council Member Araskog asked about the hardship.

Attorney M. Timothy Hanlon, on behalf of the property owner, described the request and advocated approval.

Council Member Cooney pointed out that, in addition to the benefit for the Cafaro property, some of the seawalls in that stretch are 100 years old, and protecting the ocean road is a broad interest to the Town as a whole.

Council Member Araskog hoped that the staff would review the height of towers, as she thought the element was beautiful and a special design element in the town.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0058 860 S. Ocean Blvd. shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 5-0.

**Note: A lunch break was taken at 12:15 p.m. and the meeting resumed at 1:00 p.m. Mayor Moore returned to the meeting at 1:10 p.m.*

15. ZON-25-0054 (ARC-25-0058) 1960 S OCEAN BLVD (COMBO) – SPECIAL EXCEPTION & VARIANCE(S). The application, Stephen A. Wynn Florida Revocable Trust (Stephen A. Wynn, Trustee), has filed an application requesting Town Council

review and approval for a special exception and two (2) setback variances as they relate to the construction of a new beach cabana structure on the oceanside parcel of an existing residential estate. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the December 10, 2025, Town Council meeting, pending architectural review.]*

****Note: This item was deferred to December 10, 2025, at the approval of the agenda.***

ORDINANCES

16. FIRST READING

16.1 23-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134 Zoning, Article VI.- District Regulations, Division 7. - R-D(2) High Density Residential District by Modifying Front Yard Setbacks in Sec. 134-1060(5); Providing for Severability; Providing for the Repeal Of Ordinances in Conflict; Providing for Codification; And Providing an Effective Date.

Mr. Bergman read Ordinance 23-2025 on first reading by title only.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve Ordinance 23-2025 on first reading. The motion was carried unanimously, 5-0.

17. SECOND READING

17.1 9-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning by Amending, Article VIII, Supplementary District Regulations, Division 3. – Height and Other Exceptions at Section 134-1607.-Permitted Exceptions; and Amending, Article VIII, Supplementary District Regulations, Division 6. – Structures, Subdivision II. – Accessory Buildings and Other Structures at Sections 134-1728.-Air Conditioning and Swimming Pool, And Fountain Equipment And 134-1729.-Generators to Update The Town’s Mechanical Equipment Regulations; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Town Attorney Joanne O'Connor read Ordinance 9-2025 on second reading by title only.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adopt Ordinance 9-2025 on second reading. The motion was carried unanimously, 5-0.

17.2 10-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article IV, Nonconformities, Division 4. – Land at Section 134-446; Article VI, District Regulations, Division 2. -RAA, Division 3.- R-A and Division 4.-R-B at Sections 134-793, 134-843, and 134-893, Respectively, to Simplify the Process for Development of Single-Family Dwellings on Certain Nonconforming Lots;

Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Mr. Bergman read Ordinance 10-2025 on second reading by title only.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance 10-2025 on second reading. The motion was carried unanimously, 5-0.

17.3 11-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning At Article I, -in General, by Amending Section 134-2 Definitions; at Article VI, District Regulations, Division 2.- R-AA Large Estate Residential District by Amending Section 134-793; at Article VI, District Regulations, Division 3.- R-A Estate Residential District by Amending Section 134-843; and at Article VI, District Regulations, Division 4.- R-B Low Density Residential District by Amending Section 134-893 to Define Building Angle of Vision and to Remove the Building Angle of Vision Requirement for One-Story Buildings and Buildings on Lots Fronting On Cul-De-Sacs in the R-AA, R-A and R-B Residential Districts; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date

Town Attorney Joanne O'Connor read Ordinance 11-2025 on second reading by title only.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to adopt Ordinance 11-2025 on second reading. The motion was carried unanimously, 5-0.

17.4 12-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article II, Administration, Division 4. - Special Exceptions, Variances, and Dimensional Waivers, Subdivision III. - Special Exceptions by Repealing Section 134-231.-Residential Use in C-TS, C-WA or C-OPI District; One-Family Use Above First Floor In C-TS, C-WA, Or C-PC District, And By Renumbering Section 134-232.-Preferred Location Of Group Homes And Foster Care Facilities and Section 134-233.-Applicability Of Worth Avenue Design Guidelines in C-WA District and Adding a New Section 134-233-Reserved; Providing For Severability; Providing for The Repeal Of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Mr. Bergman read Ordinance 12-2025 on second reading by title only.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance 12-2025 on second reading. The motion was carried unanimously, 5-0.

17.5 13-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Improving The Uniformity of the Appeals Processes for Development Review Matters By Amending Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 2, Architectural Commission, Section 18-177, Appeals and Review; by Amending Chapter 54, Historical

Preservation, Article II, Landmarks Preservation Commission, Section 54-41; and by Amending Chapter 134, Zoning, Article II, Administration, Division 3, Appeals, Sections 134-141 Through 134-145 and Section 134-174; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Town Attorney Joanne O'Connor read Ordinance 13-2025 on second reading by title only.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to adopt Ordinance 13-2025 on second reading. The motion was carried unanimously, 5-0.

17.6 14-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Article III, -Architectural Review, at Section 18-203 Duration of Approval; Time Extension; Denial Of Application; Determination; Clarification; Deferral; Amending Chapter 54, Historical Preservation, Article III - Certificate of Appropriateness, Division 2-Procedures And Effect, At Section 54-94 - Duration of Approval; Time Extension: Denial Of Application; Determination: Clarification; Deferral; and at Chapter 134- Zoning, Division 4-Special Exceptions, Variances, and Dimensional Waivers, Subdivision 1 - in General, At Section 134-173 - Deferral Request; Denial of Application; Duration of Approval; Time Extension; Clarification to Conform all Development Review Approval Timeframes at 24 Months From Date Of Rendered Development Order or Written Decision; Providing for Severability; Providing for the Repeal of Ordinances In Conflict; Providing For Codification; and Providing an Effective Date.

Mr. Bergman read Ordinance 14-2025 on second reading by title only.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to adopt Ordinance 14-2025 on second reading. The motion was carried unanimously, 5-0.

17.7 15-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historic Preservation, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, At Section 54-93, Uniform Development Review Procedures, to Change The Notice Requirements for Certain Floodplain Variance Requests; Providing for the Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance 15-2025 on second reading by title only.

A motion was made by Council Member Moran and seconded by Council Member Araskog to adopt Ordinance 15-2025 on second reading. The motion was carried unanimously, 5-0.

ANY OTHER BUSINESS

18. Request for Waiver of Town Code Section 42-199, For Waiver of Construction Working Hours at 215 Via Del Mar

****Note: This item was withdrawn at the approval of the agenda.***

19. Request for Waiver of Town Code Section 42-199, For Waiver of Construction Working Hours at 222 Worth Ave.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the waiver for construction working hours.

Geoff Cauble of Dimension One explained his request.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve the waiver of construction working hours for 222 Worth Avenue with the following conditions: construction will end by 11/14/25, there will be no work on Saturdays during the extension, there will be no street closures or parking on Worth Avenue, and any issues will be addressed by the Director of Planning, Zoning, and Building. The motion carried unanimously, 5-0.

20. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 315 Clarke Ave.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request.

Robert Lyons of Whitman Building explained his request.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve the building permit extension request for 315 Clarke Avenue as requested. The motion carried unanimously, 4-0. (Council Member Cooney was out of the room during the vote)

21. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 334 Chilean Ave.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request.

Paul Courchene of Courchene Development stated that the homeowners had made numerous changes. It also took over six months to relocate the water line.

Mayor Moore asked what would happen if the extension was not granted. She said a request for a fourth extension is ridiculous. Her concern was that the neighbors are likely very annoyed.

Council Member Araskog agreed with Mayor Moore. She thought this project should be stopped and allowed to resume on April 1, 2026. She considered the multiple strikes to be of great concern.

Council Member Moran suggested that a new application should be submitted. She agreed with the Mayor and thought this was absurd. She stated she would grant an extension until November 14, 2025, but no longer

Council Member Cooney asked Mr. Courchene to address the public comment received about the porta-potty on the west side and the sound mitigation around the air conditioners on the west property line. He also asked Mr. Bergman to confirm that any installations are in accordance with the agreed-upon conditions.

Council Member Moran read the letter from the neighbor at 334 Chilean Avenue regarding the disturbance. The neighbor requested a 45-day extension to complete the job.

Council President Lindsay expressed frustration over the project's repeated delays and lack of consideration for neighboring residents. She emphasized that owners must be good neighbors, especially given upcoming road closures and increased congestion. After granting multiple extensions, she felt little sympathy. She urged the contractors to complete the work by mid-November, suggesting that the owners make the home livable for the season and finish the rest later, as continued disruptions are not in keeping with the Town's standards.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to approve the building permit extension request for 334 Chilean Avenue until November 14, 2025, and at that time, all work must cease for the season and shall not resume until April 6, 2026. The motion carried unanimously, 5-0.

22. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 500 Regents Park

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request.

Kyle Papke of PPB Construction explained his request.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the building permit extension request for 500 Regents Park for an additional 73 days as requested. The motion carried unanimously, 5-0.

23. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 550 S Ocean Blvd.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request.

There was no representative to make a presentation.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the building permit extension request for 550 S. Ocean Blvd. for an additional 80 days as requested. The motion carried unanimously, 5-0.

24. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 1600 S Ocean Blvd.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request.

Kyle Papke of PPB Construction explained his request.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the building permit extension request for 1600 S. Ocean Blvd. until March 27, 2027, with the condition that any issues will be addressed by the Director of Planning, Zoning, and Building. The motion carried unanimously, 5-0.

**25. Presentation by Jonathan Paul of NUE Urban Concepts on Impact Fees
TIME CERTAIN: 2:00 PM**

Bob Miracle, Deputy Town Manager, introduced Jonathan Paul of NUE Urban Concepts.

Mr. Jonathan Paul gave a detailed presentation on impact and mobility fees, explaining that these fees apply to new developments or redevelopment projects that create additional impacts on the community.

Following the presentation, Mayor Moore asked how an impact fee is implemented. She felt that impact fees would be viewed as nickel-diming the residents. Mr. Paul explained that impact fees would be tied to the building permitting process. Mayor Moore asked if the Town would have to decide on the type of impact fees to charge and if this would require a referendum to be presented to the voters. Mr. Paul said it would not require a referendum, but an impact fee study would be necessary. Mayor Moore was not interested in imposing impact fees on existing residents.

Mr. Miracle stated that a strategic plan could be developed to incorporate impact fees into the Town's existing processes. Mr. Miracle explained how the process would work if the Town Council were to implement impact fees.

Ms. Hoffmeister stated that the Comprehensive Plan, in the Capital Improvement Element, Objective #5, states that the Town shall consider impact fees for future redevelopment activities, as there is potential for increases in public services, which would be an effective method of distributing the cost of new capital facilities in the Town. She also referred to Chapter 30 in the Code, which addresses proportionate fair share, particularly regarding improvements to roads. She said this could be townwide.

Council President Pro Tem Crampton thought this was a way to get the developer to think very carefully about whether they want to undertake a development, and ensure the Town gets some benefit from it.

Mayor Moore noted that incorporating impact fees into the Town's toolkit could be valuable in the future, especially in light of comments made by the Governor earlier in the day regarding property taxes. She explained that the Governor mentioned several times that homesteaded property owners may no longer be required to pay property taxes, as only about 30% of ad

valorem taxes come from homesteaded properties, with the majority derived from other components of the tax base. She stated that this development warrants further consideration.

Council Member Moran asked if an impact fee could be used to fund the study. She also asked if it could just be applied to additional property. Mr. Paul said the Town would have to pay for the study. Going forward, he said, updates could be paid by the impact fee fund. He said the fees would have to be based on impact; however, impact is defined by the Town.

Council Member Araskog noted that the Town has a traffic and resiliency study. She asked if the current studies could be used. Mr. Paul said those studies could be used initially to form the basis of a fee, then the overall plan could be funded with the fees collected.

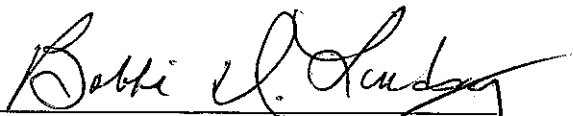
Council President Lindsay talked about some townwide expenses that would be appropriately paid for out of impact fees. She was supportive of the study.

There was a consensus of the Town Council to allow the staff to move forward with initiating an RFQ for a consultant to build a mobility plan.

ADJOURNMENT

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adjourn the meeting at 3:21 PM. The motion was carried unanimously, 5-0.

APPROVED:


Bobbie D. Lindsay, Town Council President

APPROVED:


Kelly Churney, CMC, Town Clerk
Date: 11/12/25

