



TOWN COUNCIL MEETING

TOWN OF PALM BEACH

DECEMBER 9, 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

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Minutes of the November 12, 2025, Town Council Meeting
2. Minutes of the November 13, 2025, Local Planning Agency Meeting
3. Minutes of the November 13, 2025, Town Council Development Review Meeting
4. Minutes of the November 21, 2025, Architectural Commission Meeting
5. **141-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Chen Moore and Associates in the amount of \$249,288, approving a contingency in the amount of \$37,393 and approving a project budget in the amount of \$286,681 for the Pavement Management Master Plan.
6. **172-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Opposing The Palm Beach County Local Bill Relating To The Fire Rescue Municipal Services Taxing Unit (MSTU); Urging The Palm Beach County Legislative Delegation To Reject Said Bill; Providing For Direction To The Town Clerk; And Providing An Effective Date.
7. **166-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Coastal Protection Engineering, LLC in the amount of \$196,650, approving a contingency in the amount of \$29,497 and approving a project budget in the amount of \$226,147 for construction support during the Mid-Town Beach Nourishment Project.
8. **167-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the award of RFP No. 2025-026, Insurance Broker and Actuarial Services to Alliant Insurance Services, Inc. in the amount of \$72,000 and establishing a five-year award in the

amount of \$378,000 based on satisfactory performance and annual budget authorization.

9. **168-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, approving retroactive purchase orders in the amount of \$212,812 for the purchase of six vehicles for the Police Department.
10. **169-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. in amount of \$194,800, approving a contingency in the amount of \$29,220 and approving a project budget in the amount of \$224,020 for Design Phase Services, Permitting Services and Bid Phase Services for the E08 and E-21 Ejector Stations.
11. **171-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2026-001, D-17 Stormwater Pump Station and E-13 Wastewater Pump Station Rehabilitation to Hinterland Group, Inc. in the amount of \$4,443,000, approving a contingency in the amount of \$888,600 and approving a project budget in the amount of \$5,331,600
12. **173-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Mock, Roos & Associates, Inc. \$393,920, approving a contingency in the amount of \$59,088 and approving a project budget in the amount of \$453,008 for Construction Phase Services for D-17 and E-13 Wastewater Pump Station Rehabilitation Construction
13. Request to Hear Proposed Ordinance No. 033-2025, prior to 5:00 p.m. on the Wednesday, December 10, 2025, Town Council Development Review Meeting agenda.
14. Acceptance of Department of Homeland Security Grant Funds
15. Acceptance of Florida Department of Law Enforcement (FDLE) Grant Funds
16. Authorization for 214 Brazilian Ave – Use of Right-of-Way During Season
17. Authorization for 304 S County Rd – Use of Right-of-Way During Season
18. Authorization for 363 Cocoanut Row – Use of Right-of-Way During Season
19. Authorization for 360 S Ocean Blvd – Use of Right-of-Way During Season

APPROVAL OF AGENDA

COMMENTS

20. MAYOR AND TOWN COUNCIL MEMBERS
21. PUBLIC - 3 MINUTE LIMIT

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

GENERAL BUSINESS

22. Presentation from Amelia Jadoo, Executive Director, Palm Beach County League of Cities
23. Appointments to the Shore Protection Board
24. **161-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County,

Florida, Town Right of Way Manual Revisions

25. Utility Locate Requirements

26. **MATTERS PULLED FROM CONSENT AGENDA**

UNFINISHED BUSINESS

27. **160-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting a Donor Recognition and Signage Policy; providing for an effective date;

28. Town-Wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

NEW BUSINESS

29. Image Pop Studio Filming Permit

30. **170-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approval for the Design Concept and to Accept a Donation to Construct a Beautification Project on the 100 Block of Seaview Avenue

31. US Polo Marathon - December 13 and 14, 2025

32. Zoning Code Items – Quick Fix #15

32.1 2025 Comprehensive Plan EAR Policies that Require Placement into Chapter 134, Zoning. (Per Florida Statute)

33. ZON-24-0043 (COA-24-0018) 100, 101, 102, & 103 FOUR ARTS PLZ –The Society of the Four Arts - Discussion and Direction Regarding Proposed Construction Screening & Temporary Directional Signage

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

Minutes of the Town Council Meeting
Held on November 12, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:29 AM in the Town Council Chambers.

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

Staff Present: Kirk Blouin, Carolyn Stone, Bob Miracle, Paul Brazil, Kelly Churney, and Town 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 CONSENT AGENDA

Council Member Araskog asked to remove Resolution No. 133-2025 and 134-2025 from the consent agenda so they could be discussed.

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

1. Minutes of the October 14, 2025, Town Council Meeting
2. Minutes of the October 15, 2025, Local Planning Agency Meeting
3. Minutes of the October 15, 2025, Town Council Development Review Meeting
4. Minutes of the October 29, 2025, Architectural Commission Meeting
5. Accept Donation - Palm Beach Police and Fire Foundation

6. Town of Palm Beach United Way Annual Turkey Trot
7. Request to Hear Proposed Ordinance Nos. 029-2025; 030-2025; 31-2025, prior to 5:00 p.m. on Thursday, November 13, 2025, Town Council Development Review Meeting.
8. **90-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an award authority in the amount of \$300,000.00 for Kimley Horn and Associates, Inc., Mock Roos & Associates, Inc., and Chen Moore and Associates for plan review
9. **131-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving first renewal, second year of the contract for ITB No. 2024-29 Hardwood Tree Trimming for Zimmerman Tree Services in the amount of \$190,000
10. **132-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, designating Town Depositories for Fiscal Year 2026 pursuant to Section 2-517 of the Town Code of Ordinances and designating parties to sign checks or warrants on behalf of the Town pursuant to Section 2-36 of the Town Code of Ordinances.
13. **135-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a change order to Burkhardt Construction, Inc. for Phase 7 North AT&T Fiber Conduit in the amount of \$752,736.04, approving a contingency in the amount of \$112,911 and approving a project budget in the amount of \$11,765,647.04.
14. **136-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a change order to Burkhardt Construction, Inc. for Phase 7 South AT&T Fiber Conduit installation in the amount of \$717,150.38, approving a contingency in the amount of \$107,573 and approving a project budget in the amount of \$13,983,908.38
15. **137-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, awarding a purchase order to Bennett Fire Products Company, Inc. in the amount of \$382,236.96 for new Bunker Gear, approving a contingency in the amount of \$5,000 and approving a project budget in the amount of \$387,236.96 utilizing the Lake County Florida Contract 22-730B.
16. **138-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order for FY26 to Regions Security Services, Inc. to support security at the Town Marina in the amount of \$164,775.17
17. **139-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a change order to Sherlock Tree Company, Inc. for Coconut Tree Trimming in the amount of \$20,000 for FY26

18. **140-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for Asset Management Assistance for Pumps in the amount of \$104,850
19. **145-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Mock Roos & Associates, Inc. in the amount of \$245,900, approving a contingency in the amount of \$36,885 and establishing a project budget in the amount of \$282,785 for A-42 Wetwell/Drywell Conversion design.
20. **146-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Mock, Roos & Associates, Inc. in the amount \$305,900, approving a contingency in the amount of \$45,855 and approving a project budget in the amount of \$351,755 for Stormwater Pump Station Combined Structural, Fuel System, Pump Can, and Wet Well Lighting Design Improvements
21. **147-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Mock, Roos & Associates, Inc. in the amount \$124,000, approving a contingency in the amount of \$18,600 and approving a project budget in the amount of \$142,600 for the E-3 Wastewater Pump Station Rehabilitation design improvements.
22. **148-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving award funding for years two to five to Motorola Solutions, Inc., in the amount of \$400,000 for maintenance of the dispatch consoles based on satisfactory performance and annual budget authorization.
23. **149-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive purchase order for additional Body Worn Cameras and in-car systems to Axon Enterprise, Inc. for a five-year period in the amount of \$148,400
24. **150-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive change order to East Coast Construction Group in the amount of \$22,075 and establishing a new project budget in the amount of \$469,408 for the Par 3 Building Renovation.
25. **151-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. (KHA) in the amount of \$162,100, approving a contingency in the amount of \$24,315 and approving a project budget in the amount of 186,415 for the A-5 Wastewater Pump Station Construction Phase Services
26. **152-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. (KHA) in the amount of \$189,100, approving a contingency \$28,365, and

approving a project budget in the amount of \$217,465 for the D-3/E-7 Pump Station Construction Phase Services

27. **153-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Axon Enterprises, Inc. in the amount of \$521,761.60 to support the Police Department.
28. **154-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an extension of the Insurance Broker and Actuarial Services to the Gehring Group through March 31, 2026, and approving an award authority in the amount \$45,000.
29. **156-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Amended Locally Funded Agreement Between The Florida Department Of Transportation (FDOT) And The Town Of Palm Beach For The Added Amount Of \$184,071.87 For A Total Amount Of \$351,892.87, For The Roadwork Construction Along SR-A1A From North Of Emerald Beach Way To South Of Royal Palm Way Project.
30. **157-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving purchase orders to Sentinel Technologies, Inc. for FY26 in the amount of \$210,000
31. **158-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. in the amount of \$142,378, approving a contingency in the amount of \$21,357 and approving a project budget in the amount of \$163,735 for Skees Road and Okeechobee Boulevard Landfill Facilities 2026 On-Call Consulting, Compliance, Sampling, and Monitoring

APPROVAL OF AGENDA

Town Clerk Churney stated that there were five time extensions listed on the agenda for Thursday, but those items needed to be added to the end of the agenda since they were noticed for the Wednesday meeting.

Director of Planning, Zoning, and Building Wayne Bergman explained that five time extensions were noticed to the neighbors for the Wednesday meeting and requested that they be heard. The five extensions were for 756 Hi Mount Road, 11 Via Vizcaya, 12 Via Vizcaya, 225 Mockingbird Trail, and 1040 North Lake Way.

Council Member Araskog requested that a discussion regarding public comment be placed under Any Other Business to be discussed.

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

ADMINISTRATION OF THE OATH

COMMENTS

32. MAYOR AND TOWN COUNCIL MEMBERS

Mayor Moore announced the following November Milestones: 20 years of service for Reginald Williams (PW), Michael Roach (PW), and 30 years of service for Loretta Brown (PD).

Mayor Moore expressed concern and sympathy for Town employees with family and friends in Jamaica following the recent storm, noting that some had difficulty reaching loved ones. She encouraged those wishing to assist with recovery efforts to contact the Town of Palm Beach United Way, which is collecting funds. She reminded residents that car carriers are prohibited from loading or unloading vehicles on public roadways or rights-of-way within the Town. Residents were urged to advise auto transport companies to arrange pickups and drop-offs outside of Town limits. Mayor Moore commended staff for the Town's improved appearance. She thanked Mr. Brazil and the staff for the enhancements to the Royal Poinciana median, noting that the newly planted landscaping and added shade trees will be an asset once they are established. She also shared that she and Council President Lindsay are developing a way to recognize Town institutions celebrating their 100-year anniversaries.

Council Member Cooney acknowledged the passing of former Town Council Member Dick Kleid, citing his long, dedicated service to the community.

Council Member Araskog expressed sympathy for those affected by the devastation in Jamaica and thanked Mayor Moore for mentioning the relief efforts, noting that several organizations are assisting. She discussed community concerns about altered airplane flight paths over Palm Beach, which have impacted the quality of life for some residents, and suggested adding the issue to a future agenda. She thanked the Police and Fire Foundation for donating drones to the First Responders Program and reminded contractors to clean up construction debris to prevent tire damage. She also expressed gratitude for the release of hostages abroad and offered condolences on the passing of former Council Member Dick Kleid, recognizing his dedicated service to the Town.

Mayor Moore also recognized the loss of Percy Steinhart of Stubbs & Wootton, who was a tremendous supporter of the town.

Council President Pro Tem Crampton recognized Veterans Day and encouraged residents to express their gratitude to veterans for their service. He reported on the November 6th Noise Committee meeting, noting there was unanimous regional opposition to the new temporary flight restrictions that have redirected planes over residential areas. He described residents' concerns about noise impacts and the resulting decrease in quality of life. He stated that local officials, including Congresswoman Frankel and County Commissioners, are working to develop proposals to mitigate the issue. He noted there is growing support for allowing commercial flights when the President is not in residence, adjustments to noise-monitoring systems, and the possible need for a federal environmental impact statement if the changes become permanent.

Council Member Moran thanked the Palm Beach Police and Fire Foundation for their generosity and the donors, as well as the Palm Beach Garden Club and workers, who were able to complete the Royal Poinciana Way median. She thanked the Preservation Foundation of Palm Beach for the improvements made to Phipps Ocean Park and the citizens for writing letters about local issues.

Council President Lindsay stated that Mayor Moore matched donations up to \$50,000 with the Palm Beach United Way, which were sent to those in Jamaica affected by Hurricane Melissa. Mayor Moore pointed out that the Telescopes also matched donations up to \$50,000. Council President Lindsay also recognized Mr. Kleid's passing.

Council Member Araskog thanked County Commissioner Greg Weiss for arranging the recent PBIA Noise Committee meeting. She recognized Veterans Day, expressing gratitude to members of the armed forces for their service and sacrifices. She also extended Thanksgiving wishes, noting the many blessings of the Town, its residents, staff, and public safety employees.

33. PUBLIC - 3 MINUTE LIMIT

Diane Buhler, Friends of Palm Beach, reported that volunteers have collected over 27,000 pounds of debris this year and continue to find trash washing ashore after recent storms. She noted ongoing collaboration with the Woods Hole Oceanographic Institution to study tar-coated materials. She announced upcoming beach cleanups, including one with Rosarian Academy students and a "Fellowship Friday" cleanup scheduled for November 28th.

Christopher Kellogg, 475 N County Road, a longtime resident and sailor, expressed concern over the Town's actions requiring sailboats to leave the Palm Beach waterway. He stated that the Intracoastal has historically welcomed sailors for more than a century and argued that the U.S. Army Corps of Engineers controls the waterway, not the Town. He urged the Town to manage and regulate moorings through licensing, time limits, and enforcement against derelict vessels, rather than eliminating them, emphasizing Palm Beach's long tradition of supporting the boating community.

Rebecca Godwin, of the Police and Fire Foundation, thanked the Town for accepting the donation to purchase a drone as part of the First Responder Program. She said they were excited and looked forward to launching the project.

Gary Pohrer, 1356 N Ocean Blvd., discussed concerns about traffic light timing on County Road, noting that several intersections, particularly at Sunrise, Sunset, and Royal Poinciana, have short signal durations that contribute to congestion when leaving the island. He suggested adjusting the timing of key lights, especially at Royal Poinciana, to improve traffic flow and stated that construction activity was not the primary cause of delays.

GENERAL BUSINESS

34. Presentation by Kelly Warsaw with inSIGHT Through Education

Mayor Moore discussed the Palm Beach Chamber breakfast that she attended and shared that she had met representatives from inSIGHT Through Education, which focuses on Holocaust education, Jewish history, and combating antisemitism. She invited them to speak at the meeting.

Ms. Roneet Edrich, Executive Director of inSIGHT Through Education, accompanied by Board President Kelly Warsaw, presented an overview of the nonprofit organization. She explained that the group partners closely with the Palm Beach County School District to provide Holocaust education, professional development, and community programs, having contributed over \$2.5 million toward this effort in the past 15 years. She highlighted programs such as Student Awareness Day, the "Hate Ends Now" cattle car exhibit, and early education initiatives that promote kindness and respect. The organization also funds professional development for district leaders and aims to reach 100,000 students this year through \$1 million in programming. Ms. Edrich invited attendees to their upcoming 15th-anniversary gala at the Kravis Center and encouraged participation in their social media literacy contest promoting kindness online.

Mayor Moore acknowledged that InSIGHT worked with the Palm Beach Fellowship of Christians and Jews.

Ms. Warsaw thanked the organization's community partners, including the Palm Beach Fellowship of Christians and Jews, for their collaboration. She emphasized the importance of providing teachers with proper training and resources to effectively teach Holocaust history, noting that many educators did not receive this education themselves.

35. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging within Palm Beach Harbor for USACE Ocean Ridge and Delray Beach Projects.

Sara Gutekunst, Coastal Coordinator, explained that the item concerned a waiver request from the Army Corps of Engineers related to the upcoming Midtown project scheduled for January. She stated that the waiver permits the use of the Palm Beach Harbor staging area for both pre- and post-construction activities, as well as for safe harbor during inclement weather, noting that the work will occur around the clock.

Paul Brazil, Director of Public Works, noted that the waiver request is standard practice and is necessary for any dredging projects in the region. He explained that the Palm Beach Harbor is the only nearby location suitable for staging and that the Town uses the same area for its own projects.

Mayor Moore asked if the Town receives complaints since the work is a substantial distance offshore. Mr. Brazil responded that the most significant consideration is that the contractors point their lights away from the island, generally in a northward direction. Because the staging area is so far offshore, the noise isn't traveling, and complaints have stopped.

Council President Pro Tem Crampton asked about the Reach 8 Dune Restoration Project. Ms. Gutekunst thanked the Atriums and discussed the amount of sand that has been moved.

Council Member Cooney asked about the location of the work. Mr. Brazil responded.

Council President Lindsay expressed concern about the work over the holidays and its potential impact on homeowners in the area. Mr. Brazil discussed the work, particularly the assembly and disassembly of the pipe, which occurs at the beginning and end of the project.

Mr. Blouin commented that the same staging area location had been used for several years, and staff had not received any complaints.

Council Member Araskog stated that Mr. Brazil said he would address any complaints.

A motion was made by Council Member Moran and seconded by Council Member Araskog to approve the waiver for the United States Army Corps of Engineers (USACE) to allow construction-related activities outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels in the staging area as requested by the USACE. The motion was carried unanimously, 5-0.

36. Traffic Mitigation Strategies Update

36.1 Discussion and Consideration of a Resolution to Temporarily Change the Construction and Landscape Hours for the Winter Season

Mr. Blouin spoke about a previous change made to the window of time for allowing construction and landscaping outside of rush hours. He did not believe this change affected traffic; instead, it was the volume of traffic that caused issues. He noted that other compounding factors impacted traffic, and that anytime service industry workers could be pushed outside of the early morning and evening rush hours, it would help mitigate traffic and resident concerns. He stated that the Town Council was being asked to adopt that same policy again on a trial basis. He noted that if any complaints are received, staff will try to mitigate those issues in the field with the landscape industry and contractors.

Town Attorney Joanne O'Connor reminded the Town Council that when local contractors attended a Town Council meeting several months ago, they had expressed a willingness not to work during the two-week holiday period. She said it may have been an oversight to include lawn maintenance during those two weeks. She stated that the Resolution attempts to address that, while an ordinance is being prepared to address the situation further.

Wayne Bergman, Director of Planning, Zoning, and Building, stated that this was a pilot program last year with an end date of May 15th. It was adopted in February 2024, and this year, an effort is being made to take a more proactive approach to get ahead of the traffic issues. This change would also accommodate the lawn maintenance exemption from December 24 to January 1.

Colin Goldsmith of Botanica Landscaping expressed his appreciation to the Town Council for having this discussion proactively. He said the change was helpful for professionals in his industry, and while it may not be the total solution, it has undoubtedly helped. He suggested

there be some assurance that trash and yard debris pickup is done by the landscape contractors, since there will be no public trash pickup on holidays.

Council Member Araskog said she had received complaints about the trucks entering the Town and starting work early. She thought there were hours for Thanksgiving, and she asked if those hours were included in this request. She noted that she would not support the request.

Attorney O'Connor advised that if the Town Council desired to allow quiet work on Christmas Eve and New Year's Eve, it would be necessary to include such language in the Resolution. Council Member Araskog thought it had been stated that quiet work would be permitted until noon. She also noted that Town holidays were not always the same as federal holidays. She wanted to ensure that every holiday that was observed by the town would be included in the agreement. She also recalled an agreement that specified the time when all contractors and landscape professionals would be required to leave the island. She thought there needed to be something in the Resolution to that effect. This would allow Code Enforcement to enforce the hours. Mr. Blouin presented the proposal today for contractors to be allowed to stay outside of rush hours for longer periods.

Mr. Goldsmith stated that he had spoken to several landscape companies about early arrival hours and the best practices that Botanica employs.

Council Member Moran thought that modified hours for construction had been beneficial to residents. She felt that if landscapers were told they could work until 4:00, they would still need to use the roadways to exit the island. She supported all requests because she believed that collectively, the changes would help mitigate traffic. She noted that the issue was not just about the trash pile occupying parking spaces; it was also unsightly.

Mayor Moore thought the extended hours had worked well.

Council President Lindsay stated that from the north end, she had not received any complaints, but she had received compliments. She believed that policies like this were incrementally productive. Mr. Goldsmith requested notification of any complaints so that he could assist in addressing them. He stated that he was motivated to make this work because he had seen its efficacy last year on the north end. It was also his desire to be a good service partner with the town council and residents. Mr. Blouin added that there would always be complaints, but minimal complaints had been received that were explicitly related to this policy.

Council President Pro Tem Crampton acknowledged the policy may not be perfect, but he thought it was good. He urged the Town Council to approve this measure, stating that the town had reviewed multiple measures, held public hearings, and considered several proposals, many of which have either been adopted or are still under consideration. He stated that the only way the traffic issues can be solved is to continue making incremental decisions that contribute to mitigating traffic.

Council Member Araskog wondered why Saturday had not been included in the list of days in the Resolution under Section Two. Town Attorney O'Connor said the last sentence in that paragraph indicates that the hours for construction work on Saturday remain unchanged as outlined in Section 42.199. She further explained that this resolution states, in this regard, and during this temporary period, the ordinance will not be enforced as it is currently written. Council Member Araskog asked if adding debris pickup to the resolution could be considered, requiring landscape professionals to remove their debris. Mr. Brazil stated that those rules exist and need to be enforced. Town Attorney O'Connor added that when Mr. Bergman's department posts construction and non-maintenance hours, there may be an opportunity to add an asterisk about yard waste removal.

Council Member Cooney asked if all the information related to construction and landscaping hours could be compiled into a single document.

Mayor Moore stated that the holiday pickup this year falls on her street, which is also where the Bethesda by the Sea Church is located, and it will be very important to have yard debris picked up.

2. **155-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Florida, Temporarily Amending The Hours For Construction Work Set Forth In Section 42-199 Of The Town's Code Of Ordinances For The Benefit Of The Health, Safety And Welfare Of The Residents And Exempting Lawn Maintenance From The General Prohibition On Construction Work From December 24 Through January 1; And Providing An Effective Date.

A motion was made by Council Member Cooney and seconded by Council Member Moran to approve Resolution No. 155-2025 with the addition to allow quiet work until Noon on Christmas Eve and New Year's Eve. The motion was carried 4-1, with Council Member Araskog dissenting.

37. MATTERS PULLED FROM CONSENT AGENDA

11. **133-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2025-034, A-5 Submersible Pump Station Conversion to Hinterland Group, Inc. in the amount of \$2,987,000, approving a contingency budget in the amount of \$597,400 and approving a project budget in the amount of \$3,584,400

Council Member Araskog thought an explanation of the expenditure was needed for the benefit of the public.

Julie Parham, Town Engineer, explained details of the request.

Council Member Araskog asked if it was currently submergible. Mr. Brazil further explained and affirmed that this was for resiliency.

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 President Pro Tem Crampton to approve Resolution No. 133-2025. The motion was carried unanimously, 5-0.

- 12. 134-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2025-033, D-3 Generator Replacement and E-7 Lift Station Improvements to TLC Diversified, Inc., in the amount of \$2,330,700, approving a contingency in the amount of \$466,140, and approving a project budget in the amount of \$2,796,840.

Council Member Araskog thought an explanation of the expenditure was needed for the benefit of the public.

Julie Parham, Town Engineer, explained the details of the request.

Council Member Cooney stated that this generator is the largest one in town, and there is no sound mitigation. Mr. Brazil stated agreed and said the neighbors had very graciously tolerated the generator that is overdue for replacement.

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 approve Resolution No. 134-2025. The motion was carried unanimously, 5-0.

38. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

Town Engineer Patricia Strayer noted that all phases were started on schedule. She showed a graphic to illustrate the amount of work that had already been done. She pointed out the Palm Beach Country Club and North, stating that fiber conduits were still being added.

Council Member Cooney inquired about the timeline for fiber installation. Ms. Strayer thought that the far north area was ready, and AT&T would reach out to the areas when they are ready.

Mayor Moore thought the pain was worth the results and aesthetics.

Council President Pro Tem Crampton acknowledged comments he had received about the appearance of the streets; however, he believed that the paving also related to undergrounding. He recommended adding the paving schedule to the website. Ms. Stone stated that the information is on the website and suggested using the search bar when looking for items.

Council Member Moran emphasized that this is part of the traffic mitigation plan.

Council Member Araskog asked if an alert could be issued to residents due to people going

door to door trying to sell cell phone service. Mr. Blouin said Ms. Strayer and Mr. Brazil had spoken directly with AT&T to cease any solicitations.

Council President Lindsay called for public comment.

Colin Goldsmith of Botanica Landscaping complimented the Town on how the traffic had been handled during the undergrounding project.

Council Member Cooney mentioned the pole coming out on the weekend and stated he could not imagine that work being done during the middle of the week.

**Note: A short break was taken at 11:07 a.m., and the meeting resumed at 11:14 a.m.*

39. Draft Donor Recognition and Signage Policy Review

Deputy Town Manager Carolyn Stone reviewed the donor recognition and signage policy proposal. She emphasized that the town deeply values the generosity of donors. She stated the purpose and context of the draft policy. Ms. Stone discussed the input decision points and accepted feedback from the Town Council members. Following the discussion, Ms. Stone reviewed the next steps in the process, stating that staff would revise the policy to incorporate the Town Council's feedback. The final policy and corresponding resolution will be presented at the next Town Council meeting for consideration.

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

The Town Council provided feedback and directed the staff to return in December with a Resolution and Policy for Donor Recognition and Signage.

40. Review of Right-of-Way Requirements for Road Cuts and Restoration

Town Engineer Patricia Strayer reviewed options outlined in the staff memo regarding pavement restoration requirements following utility cuts. She explained that the current standard, adopted more than 10 years ago, requires milling and resurfacing 50 feet on either side of the cut within one travel lane, at an estimated cost of \$2,750. She presented several alternatives, including resurfacing both travel lanes, reducing the length to 25 feet, or extending it to 100 feet on either side of the cut. Ms. Strayer also described a new option developed with Mr. Brazil to resurface from property line to property line, rather than using fixed distances, to avoid seams in driveways and mismatched transitions between properties.

Mr. Brazil thought it met the intent of what the Town Council was looking to achieve. He noted that if a property cuts into the road, instead of having a patch, the entire section is redone. However, a larger property with a larger house will cost more. He pointed out that in an area such as Midtown, where the lots are 50 feet, making them pave 50 feet does not make sense. He said on the narrow roads where the paving goes curb to curb, the intent is met. Mr. Brazil suggested that the Town Council allow staff some flexibility to evaluate on a case-by-case basis.

Council Member Cooney asked if the cost estimate included mobilization. Ms. Strayer said yes. Mr. Brazil said the cost is reasonable for a private property owner.

Council Member Araskog stated that the complaints that she receives are that this does not resolve the problem. She has heard some recommendations that the entire street be done to match. Mr. Brazil said this is driven by construction on private property. He said there is no way to time when someone is going to need to cut into a road. He also noted that milling and resurfacing operations are loud and disruptive, something that residents would not want to endure on a yearly basis. Ms. Strayer also emphasized that the responsibility that would have to be placed on the contractor of a private home would be too much. Mr. Blouin reiterated the staff recommendation of full width, property line to property line.

Mayor Moore thought that adding the responsibility and expense of a paving project to residential construction would have a negative impact.

Council Member Moran liked the idea of property line to property line. She also thought it would be a fair request. She felt there should be a townwide plan for milling and resurfacing; she did not believe that should be put on one individual who has an active residential construction project.

Ms. Strayer stated that next month, a contract proposal will be presented for approval, which will allow the Town staff to develop a pavement management plan. She noted that it would not be realistic to expect a comprehensive, fully vetted, and fully appropriate pavement management plan to be presented during the upcoming budget process.

Council Member Cooney thought the property line to property line was fair. He asked about the timing of the paving color for fading. Mr. Brazil stated that it typically fades over the summer.

Council Member Araskog mentioned a fee within the construction process, and Mr. Blouin stated that it was being worked on now and would return for consideration at a later date.

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

A consensus of the Town Council was to pave property line to property line during restorations, with flexibility given to Public Works to make paving recommendations on starting and finishing lines, as needed.

41. Code Enforcement Update

Chief of Police Nicholas Caristo provided an update regarding the elimination of two-week verbal warnings and thirty-day written warnings. Since the last Town Council meeting, 39 properties have been issued written warnings and given a 5-day compliance date. Out of those 39, 20 of the properties have come into compliance. He also noted that on North Lake Way, the line of sight was obstructed on many of the streets. Several property owners were contacted about their landscaping.

Council President Pro Tem Crampton liked the idea of speeding up the process. He was pleased with the newly instituted process. However, with regard to the landscape obstructing the line of sight, he felt something should be done to mitigate the danger created in those situations where the line of sight for vehicle operators is obstructed. Mr. Blouin said the site triangle has always been an issue in the town. He acknowledged the visibility issues. Mr. Brazil said there was a policy decision not to make site triangle requirements on redevelopment retroactive, but to wait for people to come into compliance on redevelopment.

Council Member Araskog wondered if the public should be alerted to the change. Mr. Blouin said state law dictates the process, and the standards are reasonable. Chief Caristo said the standard would be five days, but the length of time given will be determined on a case-by-case basis. Council Member Araskog noted that the hedge at the northeast corner of Jungle Road needs to be inspected. She asked if it was a safety issue, whether the Town would have the right to take action. Town Attorney O'Connor stated that it was something that should be further researched. Mr. Blouin indicated his advocacy for improvements to the sight triangles and did not want to create confusion. He said drivers are being very cautious.

Council Member Cooney thanked the team for tackling the issues in the Town. He thought the website would be helpful.

Council President Lindsay agreed with Council Member Cooney and added that she cautioned against over-enforcement, citing a case where someone had never had a citation before and really did not understand the process.

Council Member Moran agreed with Council Member Cooney.

Council Member Araskog said the vistas should be a priority because if the sea grapes aren't trimmed at the right time, the vista will never come back.

Council Member Cooney noted the coordination required, and he said that with oceanfront parcels, there are varied requirements. He suggested that a graphic showing linear footage may be a good visual aid for Code Enforcement to use.

Carla Marcote, Code Enforcement, stated that employee schedules are being reviewed to create a cohesive schedule where one officer would be responsible for Ocean Vistas.

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

NEW BUSINESS

42. Mac Duggal Filming Permit Application

Deputy Town Manager Carolyn Stone reviewed the filming permit application.

Mayor Moore stated that she wholeheartedly could not support the request due to the time of year, the holiday, the hours, and the traffic.

Council Member Moran agreed and was unable to support the application.

Council Member Cooney agreed and was unable to support the application. He thought the filming would be impactful.

Council Member Araskog agreed and could not support the application; she also expressed concern that the requestors do not even have a business in Palm Beach.

Council President Lindsay agreed with her fellow members.

Council Member Cooney felt that this time of year was too busy for a project that requires such a heavy crew load. He also noted some prohibitions that he felt were in place for good reason.

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 Cooney to deny the filming permit application as requested. The motion was carried unanimously, 5-0.

43. Authorization for 100 Worth Avenue – Use of Right-of-Way During Season

Mr. Brazil said the Winthrop house is currently under construction and is requesting an extension of their right-of-way permit beyond what staff is authorized to approve. He explained the reason and stated that this is a reasonable request.

Attorney Alessandra Bianchini thanked the Town Council for the opportunity to speak and stated that her team was working to minimize traffic impacts during construction. She noted that the selected finishes were being installed and that bringing in heavy materials over them could cause damage. She requested approval to proceed so that the first project phase can be completed before Christmas.

Council Member Araskog felt the applicants were doing a nice job.

Michael Speiser, Winthrop House, discussed the importance of keeping the work ongoing.

Council President Lindsay called for public comment.

Nader Kazeminy, 100 Worth Avenue, spoke in support of the request and stated there had been no noise complaints during the course of the project.

Scott, a project superintendent with Carousel Development and Restoration, spoke in support of the project. He also discussed the project request and stated there would be no noise.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to accept the Winthrop House Condominium Association's request for permission to allow their contractor to utilize the S. Ocean Blvd.'s right of way during the season to facilitate renovations with the following conditions: quiet work will be permitted on Saturdays until December 21, 2025, all parking shall be contained on the property and the Director of Public Works shall handle all complaints. The motion was carried unanimously, 5-0.

ORDINANCES

44. SECOND READING

44.1 20-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, amending Chapter 82 of the Town Code of Ordinances relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System, amending Subdivision III, Firefighters, by amending Section 82-99, Deferred Retirement Option Program for Firefighters; amending Subdivision IV, Police Officers, by amending Section 82-119, Deferred Retirement Option Program for Police Officers; providing for severability, providing for repeal of Ordinances in conflict; providing for codification; providing an effective date.

Town Attorney Joanne O'Connor read Ordinance No. 020-2025 on second reading by title only.

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

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog to adopt Ordinance No. 020-2025 on second reading. The motion was carried unanimously, 5-0.

44.2 22-2025 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Providing For An Amendment To The Town's Budget Adopted For The Fiscal Year Commencing October 1, 2024, And Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance No. 022-2025 on second reading by title only.

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

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance No. 022-2025 on second reading. The motion was carried unanimously, 5-0.

44.3 28-2025 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, amending the Town Code of Ordinances at Chapter 74

– Parks and Recreation, by repealing Sec. 74-263. – Reserved and replacing it with Sec. 74-263. – Definitions; by amending and replacing Sec. 74.267 to establish an Overnight Anchoring Limitation Area; and by amending Sec. 74-268. to regulate mooring and live-aboard vessels in Lake Worth; providing for severability; providing for repeal of Ordinances in conflict; providing for codification; and providing an effective date.

Town Attorney Joanne O'Connor read Ordinance No. 028-2025 on second reading by title only.

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 President Pro Tem Crampton to adopt Ordinance No. 028-2025 on second reading. The motion was carried unanimously, 5-0.

ANY OTHER BUSINESS

There was no other business discussed.

45. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 756 Hi Mount Rd.

Mr. Bergman stated this was the second request for a time extension. He explained the request is for 62 additional days.

Rene Alonso of Alonso and Associates explained the request and stated this had been a challenging project for many reasons. He was confident that the project would be substantially complete by the end of the month.

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 Cooney to approve the request for waiver of Town Code Section 18-237 for a building permit extension at 756 Hi Mount Road. The motion was carried unanimously, 5-0.

46. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 11 Via Vizcaya

Mr. Bergman stated that the next two projects were being requested by Worth Builders. He explained the requests.

Didi Duque of Worth Builders stated they were the second contractors to work on this project, which was largely why additional time was being requested.

Eric Luchini of Worth Builders stated that two columns were being formed and poured, and a new light stone has been ordered to wrap them, along with the gate and fencing.

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 approve the request for waiver of Town Code Section 18-237 for a building permit extension at 11 Via Vizcaya until January 26, 2026. The motion was carried unanimously, 5-0.

47. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 12 Via Vizcaya

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 approve the request for waiver of Town Code Section 18-237 for a building permit extension at 12 Via Vizcaya until January 20, 2026. The motion was carried unanimously, 5-0.

48. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 225 Mockingbird Trail

Mr. Bergman explained the request for a 125-day extension.

Chara Kuonen of Tim Givens Building & Remodeling stated there had been a delay with the windows and doors, requiring a request for extension of the permit.

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 Cooney to approve the request for waiver of Town Code Section 18-237 for a building permit extension at 225 Mockingbird Trail until March 16, 2026. The motion was carried unanimously, 5-0.

49. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 1040 N. Lake Way

Mr. Bergman explained the request for a 210-day extension.

Shawn Couch, Owner of South Coast, discussed the delays that had led to a request for an extension of the permit. He stated he was confident the project could be completed in six months. He shared some of the delays being experienced on the project.

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 approve the request for waiver of Town Code Section 18-237 for a building permit

extension at 1040 N Lake Way until June 1, 2026. The motion was carried unanimously, 5-0.

ANY OTHER BUSINESS

50. Public Comment Distribution

Council Member Araskog expressed frustration with the multiple last-minute emails being sent to the Town Council right before Town Council meetings. There was a discussion about navigating the emails to make researching less of a challenge. She also stated that she would prefer to have the emails printed by Friday, before a Town Council meeting.

Ms. Churney stated that the staff was looking at a different solution. She noted that it was also a time-consuming task for staff to gather the emails and input them into the system. She said this is why the staff announces the number of comments that are for or against a subject project during the staff comments.

The Town Council directed staff to explore ways to enhance efficiency in handling future public comments and increase the disclaimer from 24 hours to 48 hours.

ADJOURNMENT

A motion was made by Council Member Cooney and seconded by Council Member Araskog to adjourn the meeting at 1:15 p.m. The motion was carried unanimously, 5-0.

APPROVED:

Bobbie D. Lindsay, Town Council President

APPROVED:

Kelly Churney, CMC, Town Clerk

Date: _____



TOWN OF PALM BEACH

Minutes of the Local Planning Agency Meeting Held on November 13, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:30 AM in the Town Council Chambers.

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

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

PLEDGE OF ALLEGIANCE

Council President Lindsay led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

Council Member Araskog indicated that if residents would like to comment on the air traffic in the town, they could write to the United States Department of Transportation. Other websites she recommended were the Federal Aviation Administration (FAA) and Palm Beach International Airport (PBI). She requested that the information on who to contact be posted on the Town's website for the convenience of residents.

2. PUBLIC - 3 MINUTE LIMIT

There were no comments heard at this time.

PUBLIC HEARINGS

ORDINANCES

Director of Planning, Zoning, and Building Wayne Bergman introduced the three proposed ordinances for first reading review by the Town Council. He stated that two ordinances related to the landmark incentives: one, which proposed changes to Chapter 54 of the historic preservation code, and the other, which proposed changes to Chapter 134. He said the third ordinance addressed a Scrivener's error in the fill ordinance.

Architectural Review and Historic Preservation Manager Friederike Mittner provided an overview of the proposed landmark incentives, noting that the material is essentially unchanged from what was presented at the October 15th meeting and reflects constructive feedback received from the Planning and Zoning Commission on October 7th. She explained that the ordinance focuses on streamlined code modifications related to adjustments for single-family landmark properties, including bundling existing adjustment provisions and addressing non-conformities within a single application process. She emphasized that the proposal applies only to single-family properties, not commercial, and is more restrictive than the current code by eliminating front setback relief while revising side and rear setback considerations. These changes are data-driven; she noted that over the past three years, 52 variances for landmark properties (across 26 applications) were all approved. Ms. Mittner described the creation of a new "guardrail" that requires any new additions to be compatible and subordinate to the existing historic structure, using language consistent with the Secretary of the Interior's Standards. Additional code areas reviewed included driveway gate height, landscape open space, lot coverage, CCR, and two-story accessory structures on R-B lots under 20,000 sq. ft. She referenced examples previously shown, including re-vesting situations where multiple variances could be consolidated into a single adjustment and replacement of two public hearings with a single LPC review before Town Council consideration. She also discussed height-related concerns during rehabilitation projects, noting an example where an addition lower than the main structure still triggered a height variance, which she characterized as unnecessary. Regarding two-story accessory structures on smaller R-B zoned lots, she acknowledged community feedback and outlined three options for Council consideration: (1) leave the proposal as written, (2) remove the provision entirely, or (3) allow a second story only if all side setbacks are met. She concluded by reiterating that all elements have been previously presented and that this meeting serves as the formal, advertised public hearing.

Council Member Cooney inquired about the setback requirement for the two-story accessory structure presented. Ms. Mittner was unsure and stated she would get the answer for him.

Council Member Moran supported the overall proposal but focused on second stories for accessory structures in the R-B district. She noted that most existing structures do not meet setback requirements because many were historically built on the property line. She recommended allowing a second story only when setbacks are met, and otherwise removing the provision, with owners still able to request relief individually. She said this approach best protects neighbors and avoids potential harm.

Council President Pro Tem Crampton asked about the impact and massing on the Sea Streets. He wondered if a waiver should be established for certain-sized lots. Ms. Mittner clarified that the ability to request relief already exists and that the proposed change was intended to assist lots

under 20,000 square feet. In response to concerns, she stated that staff are prepared to remove the proposal entirely (Option B) or amend it so that a second story would only be allowed if minimum setback requirements were met. Council President Pro Tem Crampton preferred Option B.

Council Member Araskog thought Ordinance 30-2025 needed further study. She felt the five-foot provision needed further study; she was worried about the unintended consequences. She asked about the scenario of a homeowner taking advantage of all the incentives. Ms. Mittner spoke of the existing guardrails in place as well as the oversight of the Landmarks Preservation Commission review.

Council Member Cooney began by expressing strong appreciation for staff, noting that the Town now has an exceptionally professional and knowledgeable team whose work has made these data-driven, codified landmark incentives possible. He stated that he supports all of the proposed provisions, including the accessory structure proposal, though he acknowledged that other Council members appear more cautious about that component. He emphasized that in the historic Sea Streets, two-story accessory structures were traditionally placed in the rear corners of lots, contributing to the neighborhood's character. Allowing a second story, he said, can create more gracious and functional homes on smaller lots, whereas strict suburban-style setbacks can unintentionally produce box-like structures.

Mr. Cooney encouraged consideration of Option C, which would allow a second story on an accessory structure only if it meets the same setbacks required for a two-story principal structure. He argued that this approach protects neighbors while maintaining flexibility and providing a meaningful incentive for landmarked properties. He described Option C as a reasonable compromise that preserves neighborhood character, maintains notice and public hearing requirements, and keeps height impacts consistent with what is already permitted for main structures.

Mayor Moore recalled a recent example in which a homeowner successfully added a second floor to an accessory structure after going through the full review process, noting that the outcome was appropriate and addressed the applicant's needs. She stated that Option C is preferable to remove the provision entirely, as it allows flexibility while still requiring proper review.

She added that many homes in the Sea Streets already have two-story accessory structures, and the number of properties affected by this change may be limited. She believes the option would be valuable to owners of landmark homes, particularly those with smaller houses, and expressed support for adopting Option C.

Mr. Murphy thanked the Mayor and Council, noting that public feedback helped refine the accessory structure proposal. He acknowledged that second stories on accessory structures located on property lines could create issues, which led staff to develop alternative options. He said Option C is a reasonable compromise because it allows a second story only when setbacks are met. He emphasized that none of the proposed landmark adjustments are "by right"; all require notice, a public hearing, and review by the Landmarks Preservation Commission for compatibility. Neighbor concerns can still result in denial. Mr. Murphy added that the proposal reorganizes existing code provisions and strengthens design review standards. Landmark-related variance requests represent a small percentage of total variances, all of which have been

approved, typically for minor issues. Height, open space, and lot coverage limits remain, and exceeding them would still require a traditional variance.

Council Member Araskog asked Town Attorney O'Connor about the use of the word "may" in the ordinance language. Ms. O'Connor responded. Council Member Araskog asked about the gate setback. Ms. Mittner stated that the staff could make sure it meets the requirements. Council Member Araskog inquired about the setback requirements for an accessory structure in the R-B district and requested information before making a decision.

Council Member Moran asked the staff to look at the landmarks manual and update it with the incentives.

Council Member Cooney reiterated that all landmark adjustments, including accessory structure proposals, would still require notice to neighbors and a public hearing, clearly identifying any deviation from standard R-B zoning. He noted that neighbors would also retain the ability to appeal decisions to the Town Council. He stated that these steps provide strong safeguards while still offering meaningful incentives for landmark property owners.

Council President Lindsay called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach thanked the Council and staff for their extensive work on the ordinance, noting that incentives for landmark properties have been sought for many years. She said the proposal is valuable because it recognizes that landmark homes are unique and cannot be governed by a one-size-fits-all code. She highlighted the guardrails that protect historic features, such as requiring additions to be de minimis and prohibiting the removal of significant materials, while still giving owners flexibility. She stated that the ordinance strikes a balance between preservation and reasonable accommodation and will help strengthen support for the landmark program.

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.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to recommend approval of Ordinance 29-2025 to the Town Council. The motion was carried unanimously, 5-0.

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.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to recommend to the Town Council the approval of Ordinance 30-2025, with the change to Option C to provide setback protection for the two-story accessory structure.

Council Member Araskog inquired about the setback requirements for an accessory structure in the R-B district. Ms. Mittner indicated that the side and rear setbacks were 10 feet for one-story structures.

The motion was carried unanimously, 5-0.

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.

Mr. Murphy clarified for the record that the Planning and Zoning Commission approved a Scrivener's error correction to the fill equation in the code. The current wording in Municode had incorrectly embedded a formula that produced negative numbers, requiring staff to rely on interpretation. The correction properly subtracts the crown of the road from the finished floor elevation and applies only within the required yards. He added that staff informed the Commission they are not yet ready to revisit raising elevation requirements in required yards due to potential impacts on neighboring properties. Any future consideration of that topic would require additional technical input from engineers and drainage experts.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to recommend approval of Ordinance 31-2025 to the Town Council. The motion was carried unanimously, 5-0.

ANY OTHER BUSINESS

There was no other business discussed.

ADJOURNMENT

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to adjourn the meeting at 10:07 AM. The motion was carried unanimously, 5-0.

APPROVED:

Bobbie D. Lindsay, Town Council President

APPROVED:

Kelly Churney, CMC, Town Clerk

Date: _____



TOWN OF PALM BEACH

Minutes of the Town Council Meeting
Held on November 13, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:08 AM in the Town Council Chambers.

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

Staff Present: Wayne Bergman, James Murphy, Kelly Churney, and Town 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

Director of Planning, Zoning, and Building Wayne Bergman announced that Item 16, ZON-24-0046, would be heard at 2:00 PM. He reminded the Council that the five building permit extensions, items 23-27, were heard on the preceding day. Finally, he added a Right-of-Way Authorization for 283 Royal Poinciana Way under Any Other Business.

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

ADMINISTRATION OF THE OATH

Town Clerk Churney administered the oath to all those intending to speak and continued to do so throughout the meeting.

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

There were no comments heard at this time.

2. PUBLIC - 3 MINUTE LIMIT

Anita Seltzer, 44 Coconut Row, requested improved visibility of the meeting timer, noting that the current single clock is blocked and cannot be seen by speakers at one of the podiums. She also expressed concern about the short timeframe for the public to review and comment on agenda materials—often hundreds of pages—when the agenda is posted on Wednesday, and comments are due by Friday. She asked the Council to reconsider this issue, noting the discussion was cut off for those viewing from home.

PUBLIC HEARING

GENERAL BUSINESS

3. Presentation: Brief Overview of Landmark GIS Map from PZB Staff

Planning, Zoning, and Building Planners Abraham Fogel and Emily Lyn introduced a new GIS map featuring landmarked and historically significant buildings, which is now available on the Town's website. They conducted a demonstration of how the map works within the Town's website.

Council Member Araskog thanked staff members for the Landmark GIS Map.

4. Discussion Regarding Construction Screening Fences 25ft or Higher

Planning, Zoning, and Building Civil Engineer Craig Hauschild requested feedback on five items related to construction screening for fences that are 25 feet or higher.

Council Member Cooney expressed concern that the measures being taken to protect neighbors from the construction impacts may be excessive. He said in some cases, the screening was drawing more attention to construction.

Council Member Moran thought the screening at 304 Maddock Way looked nice and neat. She suggested looking at that address as an example. She also cautioned against imposing so many restrictions on neighbors, and she did not like spray-painted house numbers on gates. She said there should be a standard, and the green leafy camouflage should not be allowed. She also cited The Breakers screening and noted that it was a good example for commercial projects. She preferred that the screening blend with the background.

Mr. Hauschild noted that the camouflage and the numbers were code violations and could be cited.

Council Member Araskog thought a taller fence was more important for the elements and for privacy. She felt that contractors should be informed as to what they are allowed to do for screening during the permitting process. She also liked the screening to blend into the background.

The following feedback was provided: Construction screening will be approved either by the Architectural Commission (ARCOM) or the Landmarks Preservation Commission (LPC); owners will work with neighbors regarding the height of the screening, and staff can request any site without screening to implement it in accordance with the Ordinance.

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

5.1 Quick Fix #1B Mechanical Equipment - Screening Wall

Planning, Zoning, and Building Planner Bradley Falco introduced the screening wall for mechanical equipment. He stated that the fix would include incorporating vegetation between the equipment and the screening wall to screen the portion of the equipment that projects beyond the top of the wall, as constructed to the maximum wall height.

Council Member Moran asked how the plantings could grow in the shade. Mr. Falco stated that the landscape professional could use a shade-tolerant hedge material.

Mr. Murphy further explained the study performed by the staff and the proposed fix. He said the extra height for screening would have to be at the time of screening.

Council Member Araskog stated that her landscaping team suggested planting smaller and thinner trees in those areas.

Council Member Cooney said this was one of the quirks that was forcing variances. He was willing to support the suggested fix, although he wondered if landscaping would be a suitable screening, particularly from the noise generated by mechanical equipment.

Council Member Araskog agreed with Council Member Cooney and thought there should be a wall and attenuated noise. She stated she could not support the request.

Mr. Falco stated that the proposal was not to remove the wall, but rather to make up the difference between the wall and the equipment.

Council President Pro Tem Crampton thought the solution was a good compromise.

Council Member Moran agreed with Council President Pro Tem Crampton.

Mr. Falco pointed out that the noise ordinance would still be in effect.

There was a majority consensus to try the staff's recommendation of additional landscape above the screening wall to cover the height of the equipment.

A motion was made by Council Member Araskog and seconded by Council Member Moran to hear item 9, ZON-22-132 165 Bradley Place, at this point in the agenda. The motion was carried unanimously, 5-0.

6. Zoning Code Items – Quick Fix #15

6.1 2025 Comprehensive Plan EAR polices that require placement into Chapter 134, Zoning. (Per Florida Statute)

This item shall be deferred to the December 10, 2025, Town Council meeting, pending Planning and Zoning Commission review.

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

- 7. 53-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 480 S Ocean Blvd. Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *The property owner is neutral to this designation. The Landmarks Preservation Commission voted 7-0 for landmarking.*

Janet Murphy, of MurphyStillings, presented background information on the project and historical details about the property. She outlined how the property met the criteria for Landmark Designation, specifically Criteria 1, 3, and 4.

Council President Lindsay asked for proof of publication, which Architectural Review & Historic Preservation Manager Friederike Mittner provided.

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

A motion was made by Council Member Cooney and was seconded by Council Member Araskog to make the designation report part of the record. The motion was carried unanimously, 5-0.

Attorney Paul Minoff, on behalf of the estate and PNC Bank, asked the Town Council to defer the item for one month. He discussed the reasons for the deferral.

Council Member Cooney said he was sympathetic to the situation and wondered if Attorney Ziska's clients were amenable to waiting. Ms. Ziska responded.

Council Member Moran did not believe the two items were related. Mr. Minoff responded.

Ms. Mittner stated that staff were committed to the same concepts, whether with this buyer or a different buyer, in terms of flexibility on this site.

Mayor Moore expressed concern about structural disrepair when she toured the home. Mr. Minoff discussed the items the bank had repaired in the interim.

Council Member Araskog supported the designation.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 053-2025, designating the property at 480 S. Ocean Blvd. as a landmark

of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

8. **14-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, ratifying and confirming the determination of the Landmarks Preservation Commission that the property known as 163 Seminole Ave. meets the criteria set forth in Ordinance No. 2-84, also known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and designating said property as a Town of Palm Beach Landmark pursuant to Ordinance No. 2-84, also known as Chapter 54, article IV of the Code of Ordinances of the Town of Palm Beach. *The property owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for landmarking.*

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

Council President Lindsay asked for proof of publication, which Director Wayne Bergman provided.

Janet Murphy, of MurphyStillings, presented background information on the project and historical details about the property. She outlined how the property met the criteria for Landmark Designation, specifically Criteria 1, 3, and 4.

A motion was made by Council Member Cooney and was seconded by Council Member Moran to make the designation report part of the record. The motion was carried unanimously, 5-0.

Attorney Maura Ziska thanked the Town Council for being patient with the owner and the sale of the additional property.

Aimee Sunny of The Preservation Foundation of Palm Beach thanked the owner for her stewardship. She said it is a wonderful house that should be designated as a landmark.

Council Member Cooney was grateful for the owner's stewardship and was thrilled about the home being landmarked.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 014-2025, designating the property at 163 Seminole Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

UNFINISHED BUSINESS

9. ZON-22-132 (ARC-22-200) 165 BRADLEY PLACE - Alef School - Declaration of Use - Progress Update

Hindel Levitin of the Alef School introduced herself and noted that the school served 13 Town-resident students and 12 non-resident students during the 2024–2025 school year. She described the preschool's founding by her and Rabbi Levitin, the community's dedicated support, and the growing need for early childhood education on the island. She highlighted the preschool's mission of providing high-quality, values-based education to families of all backgrounds, the positive feedback received from parents, and upcoming community-building activities such as hosting the Palm Beach Police at a Thanksgiving celebration. She invited Council members to visit the school.

Council Member Araskog stated she had not realized this was an update. Council President Lindsay noted that the Town Council would receive annual updates.

**Note: A short break was taken at this time.*

10. ZON-25-0045 (ARC-25-0044) 766 HI MOUNT RD (COMBO). The applicant, Christina Baker, owner (Maura Ziska and SKA Architects, representatives), has filed an application requesting Town Council review and approval of one (1) variance for a reduced side yard setback to reconstruct a glass enclosure on the west side of the cabana. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 6-1.]*

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

Assistant Director Murphy provided staff comments.

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

Council Member Araskog asked about the hardship for the variance request. Attorney Maura Ziska explained the hardship.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0045, 766 Hi Mount Road, 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.

11. ZON-24-0055 (COA-24-0022) 120-132 N County Road - Palm Beach Synagogue - Review of Draft Declaration of Use Agreement
This item shall be deferred to the December 10, 2025, Town Council meeting.

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

12. ZON-25-0046 120-132 N COUNTY RD. – PALM BEACH SYNAGOGUE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Town Council review and approval for a modification to the previously approved Special

Exception for an existing synagogue located at 120 N County Road into an abutting existing building previously occupied by the Chez Jean Pierre restaurant at 132 N County Road. The application also consists of a modification to the existing Declaration of Use Agreement dated May 12, 2008. *This item shall be deferred to the December 10, 2025, Town Council meeting.*

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

13. 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 the March 18, 2026, meeting at the approval of the agenda.***

14. 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 the December 10, 2025, meeting at the approval of the agenda.***

NEW BUSINESS

15. ZON-25-0053 (ARC-25-0059) 124 SEABREEZE AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE(S) The applicants, Matthew & Kristin Lipton, have filed an application requesting Town Council review and approval for (1) special exception to revest an existing nonconforming “Sea Street” parcel in the R-B zoning district as well as six (6) variances related to renovations and additions to the existing nonconforming residence and accessory structure, including: (1) a variance for partial demolition and reconstruction of an existing nonconforming accessory structure that will be deficient in minimum required building separation; (2, 3, 4) variances for reduced west side yard setback, increased nonconforming lot coverage and increased nonconforming cubic content related to the addition of an unenclosed Porte cochere; and (5, 6) variances for reduced east side and south rear yard swimming pool setbacks. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project. Carried 7-0.]*

Council Member Cooney disclosed ex parte communications.

Assistant Director Murphy provided staff comments.

Patrick Segraves of SKA Architect + Planner presented the architectural plans and explained the project to the Town Council. He said this is a 1927 home, and the proposal adds a Porte cochere addition to the structure.

Council President Lindsay wondered if the owners would be interested in having the structure designated as a landmark. Mr. Segraves did not think they would be interested.

Council Member Moran asked about the scope of demolition. Mr. Segraves responded and provided a further explanation of the project, stating that the accessory structure would be demolished in its entirety due to its condition; however, it will be reconstructed.

Council Member Araskog asked if this request increased the non-conforming lot coverage. She also asked about the setbacks. Mr. Segraves responded and provided further explanation of the project. Attorney Maura Ziska further explained that there is an accessory structure within the setback area. Instead of shifting it, they are demolishing it and making it smaller to cut off the areas that were encroaching.

Council Member Cooney thought the change was preserving an older house, and he believed it was being restored appropriately.

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 Member Moran that Variance No. ZON-25-0053, 124 Seabreeze 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 4-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception No. ZON-25-0053, 124 Seabreeze Avenue, 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 unanimously, 5-0.

16. ZON-24-0046 (ARC-24-0090) 2720 - 2730 S OCEAN BLVD—EDGEWATER / AMBASSADOR SITE (COMBO)—SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCES The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application requesting Town Council review and approval for one (1) Special Exceptions for 1) five-stories in the R-D(2) zoning district, and Site Plan Review for multifamily dwelling(s), for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace an existing three-story building on the lakefront parcel (west site) and for the construction of a new multi-story residential building with five residential levels and a subterranean parking

level and rooftop penthouse mechanical equipment to replace one existing five- and one existing eight-story buildings on the oceanfront parcel (east site). Additionally, the project includes the following twenty (20) variance requests: nine (9) for the west lakefront (Edgewater) parcel for 1) to exceed the maximum lot coverage, 2) to exceed the maximum building length, 3) to exceed the maximum amount of fill in a required yard, 4) to reduce the required minimum side (north) yard setbacks, 5) to exceed the maximum height for rooftop mechanical equipment, 6) to permit generators on roofs that are not enclosed by a building, 7) to exceed the maximum area for mechanical equipment located on a rooftop, 8) to exceed the maximum overall building height for mechanical screening and 9) to increase the maximum height of walls in required side and front yards; and eleven (11) for the east oceanfront (Ambassador) parcel for 10) to exceed the maximum lot coverage, 11) to exceed the maximum building length, 12) to exceed the maximum amount of fill in a required yard, 13) and 14) to reduce the required minimum side (north and south) yard setbacks, 15) to exceed the maximum height for rooftop mechanical equipment, 16) to permit generators on roofs, 17) to exceed the maximum area for mechanical equipment located on a rooftop, 18) to exceed the maximum overall building height for mechanical screening, 19) to exceed the maximum building height for building 2 for the portion of the building located east of the CCCL, and 20) to increase the maximum height of walls in required side and front yards. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances #1, and #10 (lot coverage) for above-ground structures will negatively affect the architecture. Carried 5-2; The remaining variances, 2-9 & #11-#20, will not negatively affect the architecture. Carried 4-3. [The Architectural Commission approved demolition of the existing structures. Carried 7-0.] [The Architectural Commission approved the application with five items to return to for further refinement and detailing at the February 25, 2025, ARCOM meeting. Carried 5-2.]*

TIME CERTAIN: 2:00 PM

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

Assistant Director James Murphy provided staff comments. He reviewed the timeline related to the process followed to date. He reviewed ARCOM actions related to the variance requests and staff recommendations.

Council Member Araskog asked if a fifth story would need to be recessed further. Mr. Murphy responded that both stories would be the same, and he stated that the applicant would explain the reductions they made after their discussion with ARCOM.

Director Bergman stated that there were also special exceptions for each lot, as they are five stories high, and a site plan review request would be considered.

Council Member Araskog wondered if the applicant could add more mechanical equipment. Mr. Murphy responded that the overall materiality and finishes of the rooftop equipment have to go back to ARCOM to make sure it does not stand out and is architecturally harmonious.

Council Member Moran asked what the overage was on the underground portion of the ocean side. Mr. Murphy stated that the variance for the overage was exactly the same for the Edgewater

site, meaning it remains on the same 29.72-foot footprint. He noted the ambassador side is just under 44 percent.

Council President Pro Tem Crampton inquired about the elements included in lot coverage. Mr. Murphy responded that covered areas that are accessible are included in lot coverage. He said architectural projections that are not habitable were not counted as lot coverage.

Council Member Moran inquired about the canopies and their relationship to lot coverage. Mr. Murphy responded.

Mayor Moore asked if the underground parking counted as lot coverage. Mr. Murphy responded that it did count as lot coverage. Mayor Moore appreciated the fact that there was no unsightly parking lot. She supported the project and was glad that the parking was underground.

Council President Pro Tem Crampton thought that, after listening to the Architectural Meeting, he believed that some of the requested features related to more lot coverage. Mr. Murphy responded that, following a discussion with ARCOM, some features were added to soften the building's appearance and make it look more residential. He said some of those features contributed to increased lot coverage. Council President Pro Tem Crampton asked if a special code in the south end would be considered in the zoning code.

Attorney Harvey Oyer, representing the applicant, provided an overview of the project.

Yusef Dennis of OMA Architects presented the architectural plans for the proposed residential units.

Mr. Oyer explained the variances requested and lot coverage.

Mr. Murphy said the buildings are 10 feet higher because the earth that is required to be placed from the crown of the road is 10 feet, which does not penalize the applicant or begin the point of measurement. He thought that between the line of sight and the distance of the roadway, coupled with the applicant working with ARCOM for materiality, he felt it would be visually negligent in terms of impactful or making the appearance of another story. He noted the balconies are not free-standing, projecting balconies.

Council Member Moran asked how the size of the balconies compares to those in other municipalities. Mr. Murphy said he wouldn't call these balconies because of the structural slab and structural columns. He said typically these types of balconies are allowed to project up to 4-5 feet.

Mr. Oyer stated that the canopies simply provided shade and architectural dimension.

Council Member Araskog asked about lot coverage. Mr. Murphy said submerged lands do not count toward the lot area. He also said that oceanfront properties that extend to the mean high waterline for the ocean are also not included in lot coverage.

Mr. Oyer continued his presentation.

Council Member Araskog asked about the drainage and the percentage. Keith Spina of Spina O'Rourke stated he did not have the specific numbers but thought it was three to four times the required amount. Council Member Araskog asked about the staff recommendations and wondered if other recommendations should be considered. Mr. Oyer stated his client was not in favor of adding a lake trail. She wondered if they considered a living shoreline or sea wall. Mr. Murphy responded and stated that the applicant had not responded to their requests, and the staff had not seen the plans for the cisterns.

Council President Lindsay called for public comment.

Attorney Megan Wegerif, representing 2770 S. Ocean Blvd., read a letter from resident Clay Liflander, who supported the project.

Lesha Greengus, Vice President of the Regency Board of Directors at 2760 S. Ocean Blvd., provided comments and supported the project.

Attorney Maura Ziska, representing Beach Point, stated that the residents supported the project.

Ronald Matzner, 3120 S. Ocean Blvd., read a letter on behalf of Skip Aldridge. Mr. Matzner stated that he supported the project as well.

Rick Salvadore, 3300 S. Ocean Blvd., provided comments and supported the project.

Gardiner Hempel, 2155 Ibis Isle Road, provided comments and supported the project.

Alan Buckholz, 2760 S. Ocean Blvd., provided comments and supported the project.

Glori Carchi, on behalf of the residents at 2660 S Ocean Blvd., provided comments and supported the project.

Marvin Baum, 2760 S. Ocean Blvd., provided comments and supported the project.

Mr. Oyer re-emphasized the request for lot coverage.

Council Member Araskog asked about the hardship for the variances. Mr. Oyer explained the hardships that led to the variance requests.

Council Member Moran talked about the portions of the project that she supported.

Council Member Cooney thanked the developer and the neighbors for working so well together. He thought that cooperation spoke volumes about the project.

Council President Pro Tem Crampton thought this project would set the stage for future development in the south end of the island. He thought the code needed to be studied for future development and added that he spoke to staff about creating a new code for the south end.

Council President Lindsay thanked the developer for a product that the neighbors supported. She was happy that the parking would be underground. She supported the project.

Mayor Moore thought the building looked beautiful and would set a high bar for future development. She thought the traffic would decrease with the reduction of units.

Council Member Araskog thought the project should be returned to ARCOM for them to review the lot coverage, specifically items 1 and 10.

Mr. Bergman said the unity of title between the two properties should be mentioned as part of the approval. He said that staff spent a lot of time putting together ten items for consideration, and it seems that the applicant may immediately discard two of the ten items. He urged the Town Council to review pages 21 and 22 of the staff memorandums for items still open for staff approval. Mr. Bergman also stated that staff did not recommend a lot coverage of over 27% for the Edgewater. He said that it is a metric that is in the current code. He noted that if lot coverage is of concern, the vote on the variances could be bifurcated, and the variances could be voted on separately.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0046, 2720-2730 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 with the following conditions: a cistern must be installed, the drainage must be designed for a 10 year storm, some sort of unity of title must be arranged for the two properties, and the owners will explore a seawall and a living shoreline. The motion was carried 4-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception and Site Plan Review No. ZON-24-0046, 2720-2730 S. Ocean Blvd. meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 5-0.

17. ZON-23-020 (COA-23-003) 139 N COUNTY RD. - THE PARAMOUNT THEATER (COMBO) – SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCES The applicant, WEG Paramount LLC, has revised its previously filed application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation and adaptive re-use of an existing Landmarked theater structure, now including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for a café use in the C-TS district, (3) for Outdoor café seating use associated with a café and a private club in the C-TS district, (4) for on-site shared parking between a private social club use and church use in the C-TS district, and (5) for a modification/ratification to a previously approved Special Exception for Churches, synagogues, or houses of worship. The applicant is also seeking Site Plan Review for site plan changes on properties not zoned single-family residential. Additionally, the applicant is seeking the review and approval for Variances to: (1) allow a generator on a roof, and (2) exceed the maximum height of a screening wall for mechanical equipment on a roof. The application also consists of a proposed Declaration of Use Agreement. The Landmarks Preservation Commission will perform the design review. This matter is being heard in connection with related agenda items arising out of a

Special Magistrate Report and Recommendation entered pursuant to Florida's Land Use and Environmental Dispute Resolution Act (Fla. Stat. 70.51).

TIME CERTAIN: 11:00 AM

Attorney Seth Behn of Lewis, Longman, and Walker, serving the town as special counsel in the Paramount FLUEDRA, explained the process. Mr. Behn recapped the Paramount's application for a Special Exception to allow a private club in the CTS Zoning district, which was denied. Following that denial, the owners of the Paramount elected to invoke the statutory process outlined in the Florida Land Use and Environmental Dispute Resolution Act, as set forth in Florida Statute 7051. During the process, the Special Magistrate found the revised proposal to be a reasonable compromise but emphasized that the Town Council must ultimately determine, through a public hearing, whether it complies with the Code of Ordinances and the Comprehensive Plan. Under Florida Statutes, the Town Council has three options, and Mr. Behn explained those options.

It was clarified that residential units above the ground floor are a permitted use in the CTS district without size limitations, meaning that no special exception was required based on residential square footage. However, special exceptions are required for club use and outdoor seating, but such exceptions must be denied if the criteria are not met.

Mr. Behn said, finally, there is a settlement and development agreement before the Town Council. To conclude the active litigation, both the FLUEDRA matter and the Circuit Court challenge, the settlement and development agreement before the Town Council will memorialize the approval, should the Town Council choose to do so, and require the owner to file dismissals of all remaining legal challenges. Mr. Behn stated that today would be the first of two public hearings. The applicant will present their case, followed by questions from the Town Council and public comments. Afterward, the proposal will be reviewed by the Landmarks Preservation Commission for its review of the exterior architectural modifications proposed in relation to the proposed uses, before being returned to the Town Council for a final decision.

Council President Pro Tem Crampton restated his understanding of the process, and Mr. Behn further clarified.

Council Member Araskog noted the confusion on page 6 of the magistrate report. She also noted that there was confusion in the letters from those who supported the development and wanted to confirm that the special magistrate was not ruling on what currently exists at the Paramount. Mr. Behn said he believed that was correct. He noted that the magistrate's initial review would have been of the original project. He stated that he believed the magistrate was reviewing the compromise quote position that had been put forward, which was the same position she would have reviewed if it had gone to a hearing before her. Council Member Araskog further confirmed that the magistrate was not instructing the Town Council on what to do today, regarding her recommendation, even though she lamented that if it were consistent with the town's code and comprehensive plan, then the Town Council could vote. Mr. Behn stated that upon her review, she found what was being presented to be a prudent compromise. Still, the statute was clear that even if it had gone to a hearing in front of the magistrate, she would only be making a recommendation to the Town Council, and it would be up to the Town Council to make a final decision. Mr. Behn responded, noting that public comment did not have to occur at the exact same time that the actual ruling is made. He said there is nothing that would prevent the Town Council from reopening the floor for comment when the item is discussed at a subsequent meeting.

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

Attorney Jamie Crowley, from the Gunster Law Firm and on behalf of the applicant, stated that he was accompanied by Lester and Trent Warner on behalf of the owners, Rick Gonzalez from REG, an expert in Historic Preservation and Planning, Robert A.M. Stern, Architects, Cory Meyer with Nievera Williams, Keshavarz Architects, and Brian Williams from Simmons and White.

Mr. Crowley stated that the project had been verified and that what was being presented would be a reduction in traffic, as traffic is measured in the town's comprehensive plan. He explained the existing project, the proposed project, and the changes that had been made since the previous proposal. He reiterated that having a residence on the second floor is a permitted use under the town zoning code. He noted that GLA relates to commercial space, not residential space. He stated the developer has agreed to maintain all of the perimeter retail as requested by the Town Council. He said the café seating has been increased from 40 to 80 seats. He presented the details of the proposal, noting that the project is predominantly a commercial use, mixed-use project that is specifically allowed under policy 1.12.3 of the comprehensive plan. He discussed the specific requests associated with the project. He discussed the traffic data from the perspective of a worst-case scenario, and he stated that a Declaration of Use was being proposed, similar to the one approved for the Carriage House. He said there are mechanisms in that document for dealing with any issues that may arise from the use.

Council Member Araskog asked if there would be a Declaration of Use on the restaurant if approved. Mr. Crowley said yes, and he provided an explanation, stating that the club, the café, and the church usage would not happen at the same time. Council Member Araskog also wanted to make sure that the church would only be open and that the space would only be used for the church service. She clarified that details with regard to the church would be clearly written into the Declaration of Use.

Rick Gonzales of REG Architects presented the modifications to the landmarked, commercial building. He spoke about the changes that had been made to the site historically and stated that the proposal includes bringing back the good things about the project. He noted that the detail will replicate the original structure.

Attorney John Eubanks, representing the condominium consortium, presented arguments with regard to the need for a special exception. He talked about gross leasable area and said there was no language to exclude residences. He said that once a residential use is added, it is a mixed use, will always have to be on the top floor, and will always be commercial. In addition, the standards of the GLA include all areas of one building and all the areas that are owned, leased, or otherwise.

Council Member Araskog asked where in the comprehensive plan it is indicated that mixed-use is commercial. Mr. Eubanks said part 2.3.3, and mixed use is defined as non-residential.

Mayor Moore asked Attorney Behn about the special exception. Mr. Behn said his opinion was that residential above the ground floor does not require a special exception. He said part of the justification is the straightforward language of the code. Gross Leasable Area has a definition in the code, which is explicit that it is to be owned for commercial use and operated as such.

Otherwise, every home on the island has a gross leasable area, and that simply is not the case. He stated that the scale of the unit is not what drives residential intensity under the town code.

Mr. Behn also advised that at the end of the day, a club use is being approved, looking at its compatibility with surrounding uses. He also advised that the residence would easily meet the requirements of a special exception under the notion that a residential unit above the ground floor is a permitted use. The bottom line is that a single residential unit has zero gross leasable area under the town code definition.

Council Member Araskog had some confusion with regard to gross leasable area.

Mayor Moore stated she would like to hear from the traffic engineer from the other side, to be fair.

Attorney James Green, representing Tony Stepanski and Cindy Cilkin, introduced James Spinks of Volkert, 13450 West Sunrise Blvd, Sunrise, Florida. Mr. Spinks provided his professional biography and experience.

Mr. Spinks presented traffic with regard to the Paramount. He said the applicant has indicated that fewer trips would be generated. He discussed proposed trips during peak hours. He said that for the café land use, the applicant used square footage rather than the number of seats as the variable. He said if the number of seats are used, the trips generated during morning peak hours increases the 15 that they say are there to 36, making the total increase to 51, while during midday peak hours, Mr. Spinks agreed with the applicant's analysis. Mr. Spinks said that for the applicant to indicate a reduction in the number of trips is inaccurate; it is usually standard procedure to use a more conservative approach and not take the lesser of the numbers. In addition, there will still be some operational failures. He said within the report submitted by the applicant, there are several locations reported with 2025 traffic data that show a better level of service than what was reported in previous traffic reports and traffic studies. Mr. Spinks said the applicant has not demonstrated a sound parking plan, and the shared analysis has some flaws. He said the parking analysis demonstrates they would need 74 spaces during the weekdays and up to 121 on weekend days. He said additional key documents, such as the construction staging screen plan, truck logistics plan, circulation analysis, and auto turn analysis, were still missing from the plan. He said that as vehicles circulate through the site and exit onto Sunrise, there are site distance issues. He noted that landscape triangles were used rather than vehicular site triangles, and there are distinct differences between the two.

Mr. Green stated that Mr. Spinks submitted a report and testified to the executive summary. Mr. Green asked Mr. Spinks if he considered the traffic that would be associated with the Synagogue construction in the report. Mr. Spinks responded that the applicant did include the Synagogue traffic in their analysis. He said the construction impacts were not included. He recommended that the construction and staging previously submitted be reviewed, as they would like to close a lane on North County Road between sunset and sunrise for two years during construction.

Council President Pro Tem Crampton asked about parking; he was aware of the principal equivalency. He felt that a bifurcated parking situation would occur. He asked if there were any numbers that would show how much street-side parking would be available during rush hour and during the periods when retail and the café would be open for business. Mr. Spinks referred back

to the excerpt from the Town of Palm Beach Traffic Analysis and Commercial Areas Parking Study done in 2024, and during the weekday midday occupancy, there were approximately 30 parking spaces in the north commercial parking study district that were available. He questioned whether those same 30 spaces were still available.

Council Member Araskog asked Eric Czernewski, of the Corradino Group, if he agreed with Mr. Spinks and how some of the concerns could be mitigated.

Eric Czerniejewski of Corradino Group listed the outstanding items in the application, noting there had been a long history of review on this project dating back to the original application and fourteen resubmittals in addition to the new process. He said traffic counts had been reviewed from 2023 through 2025, and some of the data is dated. He referred to a lengthy list of comments generated from The Corradino Group working with Simmons and White, and many of the items are still outstanding. He said there were some questions regarding the variables for the vested use, as far as square footage, versus the traffic study that is being worked through. There were questions about off-site parking being based on occupancy or the maximum allowed number of club members. There were also questions regarding the number of on-street parking spaces used for the church during services versus on-site parking, similar to what was brought up about shared parking per ULI; the same comment was made as part of The Corradino memo. He then said sight triangles need to be reflective on pavement markings at the time of building permit. Auto turn and circulation for loading were still pending. The Construction Project Management Agreement is also still pending. Mr. Czerniejewski said they still had questions regarding special events, and the response from the applicant was that it would be managed through the Declaration of Use in coordination with the Town Council. He also noted concern about valet parking, ride sharing, and the use of North County Road versus on-site was also a question. One of the items discussed in detail was that Sunset Drive is currently one-way and will be converted to two-way. However, the data for that traffic situation is not current. Mr. Czerniejewski noted that the newest report had just been received by The Corradino Group and was still under review.

Council President Pro Tem Crampton wondered if Mr. Czerniejewski still disagreed with the applicant, that the level of service at the intersections would deteriorate as a result of the establishment of this project, even though there are outstanding items. Mr. Czerniejewski stated he had received a copy of the third-party review yesterday and had not yet read that information. He said there is still some resolution between the applicant's traffic study and The Corradino Group's review. Council President Pro Tem Crampton wanted to know which particular intersections would worsen or stay the same. Mr. Crowley said he could help explain.

Council Member Araskog thought that outdated data had been used. Mr. Spinks said they had new traffic counts for the updated study, and they used the level of service standards. However, when the level of service at the key intersections is compared, it is indicated that there are locations where, in 2022, Kimley Horn said it would be a "D" level of service in 2024, and then they reported it as a "C" or a "B", now in 2025. He said the models should have been calibrated to at least match what the town data already indicates.

Mr. Crowley provided a rebuttal statement to the commentary. He said the applicant tried to accommodate the requests of the Town Council, and now it is believed that the café is going to create too much traffic and additional parking issues. He said they are doing the best they can to reduce traffic, and some things cannot be reconciled. He stated that the café seating could revert back to 40 seats. Mr. Crowley noted that, for purposes of the comprehensive plan, it is legally

required that traffic be looked at in the afternoon during peak hours. He said the Town Council has to use what the comprehensive plan says. He also stated that the Paramount is vested with 133 parking spaces, an undisputed fact in the magistrate's report.

Brian Kelly, Simmons and White stated that there would be a reduction in traffic from what currently exists. He believed a lot of the facts were conservative and overstated, also noting that many of the café users will be pedestrians. He said the traffic counts that were used for the applicant's analysis were generated by The Corradino Group. He said small fluctuations in traffic are not uncommon. He said there were still outstanding issues that were being worked through. Mr. Crowley added that there would be no valet during the day since the club would not be open.

Council Member Moran asked if the reduction in traffic was compared to what exists today, or if they had used the building to the maximum use as of right. Mr. Kelly said that both the reduction relates to today's traffic impact.

Council Member Araskog thought Mr. Czerniejewski should have gone through both reports and provided his opinions. Mr. Czerniejewski reiterated that there were still pending reports and that he had not been given enough time to review the report. Council Member Araskog asked Mr. Kelly if, when he referred to deintensification of traffic, what his reference was, and Mr. Kelly said he was comparing it to existing traffic today, but he also referenced the previous proposal. Council Member Araskog asked if nighttime was studied, and Mr. Kelly said yes, but the standards are during the peak hours.

Cecelia Ward, Professional Planner, representing the opponents to the proposed development, presented additional planning reasons that she believes the application violates other provisions of the comprehensive plan. She stated that language is important, and she referred to the language presented and gave the reasons she disagreed with the information presented.

Attorney Behn responded to Ms. Ward, stating that the comprehensive plan has to be viewed from a broader context. He responded to specific points made by Ms. Ward. He stated that the gross leasable area in the town code is a commercial limitation defined to create a town-serving nature of the retail uses. He said that the metric is designed to create a town serving commercial uses, and the permitted residential use above the retail space is regulated by the code, as is every other residential use in the town.

Council Member Araskog asked Ms. Ward to respond. Ms. Ward said residence is only allowed over the retail use as a mixed-use. She thought the density provision was only there to prevent more than a certain number of units, rather than being subject to a 3,000 square foot limitation. She said the provision only applied to commercial land use.

Council Member Moran stated that she could cite some examples in town that are commercial town serving with residential on the second story. She stated she was inclined to follow the recommendation of town staff.

Mr. Crowley noted he would be willing to request a special exception as long as everyone understood that a special exception is not necessary. He asserted that there would be no impact on the neighborhood that would violate the comprehensive plan.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to defer the item to the December 10, 2025, meeting. The motion was carried unanimously, 5-0.

Mr. Crowley asked if he could attend Landmarks and ask for a deferral. Mark Grafton, Legal Counsel for Paramount, stated there was a specific roadmap laid out by the judge in terms of sequencing. He stated that if that process is going to be followed, it would be consistent with the FLUEGA process.

**Note: A short break was taken at 1:30 p.m., and the meeting resumed at 2:17 p.m.*

18. ZON-25-0061 (ARC-25-0067) 410 N LAKE WAY (COMBO) - VARIANCE The applicant, North Lake Trust (Val Hawkins Architect, LLC), has filed an application requesting Town Council review and approval for a side yard setback variance for the installation of an exterior staircase and second-story deck. 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.*

19. ZON-25-0044 (ARC-25-0041) 337 BRAZILIAN AVE (COMBO) - VARIANCES The applicant, FRIESE FAMILY TRUST (Paul Friese, Trustee), has filed an application requesting Town Council review and approval of three (3) variances related to redevelopment of an existing nonconforming residential parcel including (1) a variance for existing nonconforming lot width, (2) a variance for existing nonconforming lot area, and (3) a variance to exceed the maximum amount of grade fill permitted within setback areas. 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.*

20. ZON-25-0059 (ARC-25-0062) 222 CHERRY LN (COMBO) - SITE PLAN REVIEW The applicant, Nancy Clifford, has filed an application requesting Town Council review and approval for Site Plan Review as it relates to the redevelopment of an existing nonconforming platted parcel of land which is deficient in lot depth. 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

21. FIRST READING

- 21.1 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.

Town Attorney Joanne O'Connor read Ordinance No. 029-2025 by title only.

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

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve Ordinance No. 029-2025 on first reading. The motion was carried unanimously, 5-0.

21.2 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.

Director Wayne Bergman read Ordinance No. 030-2025 by title only. He noted that during the LPA meeting, Option C was chosen.

Council Member Araskog asked who decides how many exemptions may be applied. Mr. Murphy stated that the code outlines limitations for which adjustments may be sought. He said all of them will be reviewed critically with a compatibility standard taken from the Secretary of the Interior Standards, which the Landmarks Preservation Commissioners do not have when reviewing the COA, because it is not codified. Mr. Murphy noted that this would merely establish a method by which people could ask for these minor variances as adjustments under the Secretary of the Interior Standards, fully noticed to the neighbors, and fully granted by the Landmarks Preservation Commission.

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 to approve Ordinance No. 029-2025, with the language of Option C as shown, on first reading. The motion was carried 4-1, with Council Member Araskog dissenting.

21.3 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.

Town Attorney Joanne O'Connor read Ordinance No. 031-2025 by title only.

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 approve Ordinance No. 031-2025 on first reading. The motion was carried unanimously, 5-0.

21.4 32-2025 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18 – Building And Building Regulations, Article Iv – Florida Building Code, By Amending Section 18-237, Agreed Maximum Time Schedule For Completion Of Major Construction, Table 1, To Extend The Administrative Permit Extension Time To 90 Days; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Director Wayne Bergman read Ordinance No. 032-2025 by title only.

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 Cooney to approve Ordinance No. 032-2025 on first reading. The motion was carried unanimously, 5-0.

22. SECOND READING

22.1 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.

Town Attorney Joanne O'Connor read Ordinance No. 023-2025 by title only.

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

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance No. 023-2025 on second reading. The motion was carried unanimously, 5-0.

ANY OTHER BUSINESS

23. Right-of-Way Authorization for 283 Royal Poinciana Way

Town Engineer Craig Hauschild explained that the applicant is requesting an extension of a right-of-way permit for 283 Royal Poinciana Way, where the Whites Company is conducting renovations to the windows, doors, and façade. Although the work was originally scheduled to finish by November 21 under the previous seasonal rules, additional time is needed to complete work on the west and south sides. He noted that while the south-side scaffolding is on private property, the west side extends over the sidewalk in the right-of-way. The extension would allow the scaffolding to remain in place until December 19, enabling the project to be completed.

A motion was made by Council Member Cooney and seconded by Council Member Moran to grant the right-of-way authorization for 283 Royal Poinciana Way as requested. The motion was carried unanimously, 5-0.

ADJOURNMENT

A motion was made by Council Member Araskog and seconded by Council Member Moran to adjourn the meeting at 6:15 p.m. The motion was carried unanimously, 5-0.

APPROVED:

Bobbie D. Lindsay, Town Council President

APPROVED:

Kelly Churney, CMC, Town Clerk

Date: _____

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building

Re: Minutes of the November 21, 2025, Architectural Commission Meeting

Date: 12/1/2025

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that ARCOM approved at the regularly scheduled meeting on November 21, 2025.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve major items considered at the regularly scheduled meeting on November 21, 2025.

GENERAL INFORMATION

These action minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Collaborative Town Government

FUNDING

No Fiscal Impact



TOWN OF PALM BEACH

Minutes of the Architectural Commission Meeting Held on November 21, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:00 AM in the Town Council Chambers.

Members Present: Betsy Shiverick, Elizabeth Connaughton, Jeffery Smith, Claudia Visconti, Kenn Karakul, Kathy Georgas, Sue Patterson, David Phoenix, Richard Sammons (arrived at 9:03 AM), KT Catlin

Staff Present: Friederike Mittner, Sarah Pardue, Bradley Falco, Kelly Churney, and Assistant Town Attorney Lainey Francisco

PLEDGE OF ALLEGIANCE

Chair Smith led the Pledge of Allegiance.

MINUTES

1. Minutes of the October 29, 2025, Architectural Commission Meeting

A motion was made by Ms. Catlin and seconded by Mr. Karakul to approve the minutes of the October 29, 2025, meeting. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

A motion was made by Ms. Catlin and seconded by Mr. Karakul to approve the agenda as presented. The motion was carried unanimously, 7-0.

APPROVAL OF CONSENT AGENDA

Ms. Connaughton asked to remove ARC-25-0077, 1105 N Lake Way, for discussion.

A motion was made by Ms. Shiverick and seconded by Mr. Karakul to approve the consent agenda as amended. The motion was carried unanimously, 7-0.

2. EXTPLAN-25-0007 160-170 SEAVIEW AVE. The applicant, Coral Beach Corporation (Angela Feldman, President) & Seaview Holdings, Inc (David Feldman, Director), has filed an application requesting an Extension of Time for a previously issued Architectural Commission approval for a two-story addition, detached accessory structure with hardscape and landscape. (ORIGINALLY ARC-23-155 AND APPROVED AT THE NOVEMBER 22, 2024 MEETING)
3. EXTPLAN-25-0008 239 TANGIER AVE. The applicant, Patricia Dean, has filed an application requesting an Extension of Time for a previously issued Architectural Commission approval for new dormer windows related to improvements and enclosure of existing attic space to achieve a second-floor habitable area. (ORIGINALLY ARC-24-0083 AND APPROVED AT THE OCTOBER 23, 2024 MEETING)

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

5. OFFICIALS

No one indicated a desire to speak.

6. STAFF

Ms. Mittner announced that, after the beginning of the year, time extension approvals would be valid for two years, rather than the existing one year.

7. PUBLIC - 3 MINUTE LIMIT

Chair Smith called for public comment. No one indicated a desire to speak.

UNFINISHED BUSINESS

8. ITEMS PULLED FROM CONSENT

4. ARC-25-0077 1105 N LAKE WAY. The applicant, Kenneth Franklin has filed an application requesting Architectural Commission review and approval for a one-story addition to an existing one-story residence.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex parte communications.

Ms. Connaughton asked Mr. Segraves if there would be an additional air conditioning unit on the site. She said there was one drawn on the plan, and if so, she would like it screened from the property to the north.

Patrick Segraves of SKA Architecture stated he did not believe there would be an additional unit, but if there were any change, they would probably replace the existing unit and enlarge it. Ms. Connaughton asked the staff if a larger unit would require screening. Mr. Segraves stated that the unit would not be physically larger but may potentially be larger in tonnage.

Mr. Phoenix asked if the shutters would be replaced. Mr. Segraves responded and stated that only 7 feet would be added to the bedroom.

Ms. Connaughton asked the staff if a larger unit would require screening. Ms. Mittner stated that the staff would analyze how the unit was larger and evaluate if screening is needed.

Please note: At this time, Ms. Visconti declared a conflict of interest for the project and recused herself from the dais.

A motion was made by Mr. Phoenix and seconded by Mr. Karakul to approve the project as presented. The motion was carried unanimously, 7-0.

9. ARC-25-0026 310 POLMER PARK The applicant, Oscannlain Sean J Trust (Environment Design Group), has filed an application requesting Architectural Commission review and approval for installation of entry columns, rear yard trellis and landscape and hardscape modifications.

Ms. Pardue provided staff comments on the project.

Mr. Karakul disclosed ex parte communications.

Dustin Mizell of Environment Design Group provided an overview of the project and introduced Kyle Fant, who redesigned the pergola. Kyle Fant of Bartholomew + Partners presented the architectural plans for the proposed pergola.

Mr. Sammons expressed concern that the proposed structure appears too tall and visually disproportionate. He suggested reducing the column order to better match the existing architectural elements and lowering the overall height. He recommended aligning the beam and detailing with the existing wall features for consistency. Mr. Sammons also noted that the rear wall appears thin and suggested adding an "L-shaped" return or additional mass for improved stability and proportion.

Ms. Connaughton agreed with Mr. Sammons's comments.

Ms. Visconti asked about the design and whether there were any plantings currently on the structure. Mr. Fant responded.

Mr. Smith called for public comment. No one indicated a desire to speak.

Ms. Catlin requested that the nature of the renderings be toned down in the future.

Mr. Karakul asked if there were any doors or windows proposed for the new cabana. Mr. Fant stated he was hired to work only on the pergola.

Ms. Visconti asked about the solid wall in one of the perspectives. Mr. Fant discussed adding new niches to the solid wall.

Mr. Sammons inquired about the dimensions of the columns' necks. Mr. Fant responded. Mr. Sammons thought the beam was too heavy for the columns.

Ms. Shiverick asked how much lower Mr. Sammons would recommend. Mr. Sammons recommended that the top of the beam align with the bottom of the architrave.

A motion was made by Ms. Shiverick and seconded by Ms. Visconti to approve the project with the conditions that the columns are changed to a lesser Doric order and that the height of the pergola is reduced. The motion was carried unanimously, 7-0.

10. ARC-25-0041 (ZON-25-0044) 337 BRAZILIAN AVE. (COMBO) The applicant, FRIESE FAMILY TRUST (Paul Friese, Trustee) has filed an application requesting Architectural Commission review and approval for construction of a new, two-story residence and detached accessory structure with final hardscape, landscape and swimming pool with variances requested related to redevelopment of the existing nonconforming parcel configuration and for additional grade fill within setback areas. Town Council shall review the application as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Several members disclosed ex parte communications.

Rafael Portuondo of Portuondo Perotti presented the architectural plans proposed for the residence, and Dustin Mizell of Environment Design Group presented the landscape and hardscape plans proposed for the site.

Mr. Sammons thought the detailing was brilliant, and he commented that the plans were much better. He thought the pergola was a bit too tall. He asked why the existing home could not be renovated. Mr. Portuondo responded.

Ms. Visconti thanked the professional for the renderings. She wished there were fewer steps at the front of the home, but understood the reasoning for them. She favored the coral on the front and thought it brought warmth. Mr. Portuondo responded. She asked about the shutter material. Mr. Portuondo discussed the material.

Mr. Phoenix asked about the coral stone across the home, to which Mr. Portuondo responded. Mr. Phoenix asked if the professional would consider adding hardware to the shutters; Mr. Portuondo agreed. Mr. Phoenix asked about the material proposed for the pergola, to which Mr. Portuondo responded. Mr. Phoenix asked about the cubic content ratio for the project, to which Mr. Portuondo responded. Mr. Phoenix thought the project was beautiful.

Ms. Patterson agreed with Mr. Sammons's remarks and expressed strong appreciation for the beauty and quality of the proposed project. However, she stated that she is deeply saddened by

the demolition of a 100-year-old home that had previously been considered for landmark designation, noting it as a missed preservation opportunity. She acknowledged the owners' decision but expressed disappointment that the historic structure could not be saved. She concluded by commending the applicant and design team for their work.

Ms. Catlin appreciated the effort to lower the grade but asked whether the side steps could be softened with terraced or grassy elements instead of fully structured steps. Mr. Portuondo discussed the design. She requested clearer renderings and suggested a possible combination of structured steps near the house and grassy terraces farther out. She encouraged the applicant to explore options with the landscape architect.

Ms. Shiverick asked about the shutters and inquired about the painted brick on the front elevation. Mr. Portuondo stated that it was intentional and further explained the design.

Ms. Connaughton thought the project was brilliant, but was sad to see the loss of the existing home.

Ms. Georgas asked about the drain pipes on the rear balcony and loggia. Mr. Portuondo responded and described their functionality.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Sammons and seconded by Ms. Connaughton to approve the project as presented. The motion was carried unanimously, 7-0.

A motion was made by Ms. Visconti and seconded by Mr. Sammons that the implementation of the proposed variances will not cause a negative architectural impact on the subject property. The motion was carried unanimously, 7-0.

11. ARC-25-0067 (ZON-25-0061) 410 N LAKE WAY (COMBO) The applicant, North Lake Trust (Val Hawkins Architect, LLC), has filed an application requesting Architectural Commission review and approval for modification to an existing rear pergola into covered loggia with second story deck, installation of exterior staircase, skylights and window and door modifications. Town Council shall review the application as it pertains to zoning relief/approval.

Several members disclosed ex parte communications.

Ms. Pardue provided staff comments on the project.

Architect Val Hawkins presented the architectural modifications to the existing residence. Owner Alexander Auersperg discussed the design's intent and the proposed changes.

Mr. Sammons asked about the railing design next to the roof. Mr. Hawkins responded. Mr. Sammons provided suggestions for the dormer design.

Ms. Shiverick confirmed that the skylights were all removed, to which Mr. Hawkins confirmed. She thought the dormers looked much better.

Ms. Visconti asked about the design of the railings and post details, and asked if they matched another portion of the house. Mr. Hawkins responded.

Ms. Connaughton asked if the dormers aligned with anything below. Mr. Hawkins stated they did and described the design.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Sammons and seconded by Ms. Catlin to approve the project with the condition that a flat setting and a lower angle are used for the dormers, and a solid return on the side railing is used. The motion was carried unanimously, 7-0.

A motion was made by Ms. Catlin and seconded by Ms. Shiverick that the implementation of the proposed variances will not cause a negative architectural impact on the subject property. The motion was carried unanimously, 7-0.

12. ARC-25-0058 (ZON-25-0054) 1960 S OCEAN BLVD (COMBO). The applicant, Stephen A. Wynn Florida Revocable Trust (Stephen A. Wynn, Trustee), has filed an application requesting Architectural Commission review and approval for construction of a new beach cabana on the oceanside parcel of an existing residential estate; with setback variances required and special exception review required. Town Council shall review the application as it pertains to zoning relief/approval.

Several members disclosed ex parte communications. *Mr. Smith declared a conflict of interest and left the dais during the discussion.*

Mr. Falco provided staff comments on the project.

Sophia Bacon of Smith Architectural Group presented the architectural plans proposed for the beach cabana. Cory Meyer of Nievera Williams Design presented the landscape and hardscape plans for the site.

Mr. Phoenix asked about the location of the cabana and requested to see the image to the south. Ms. Bacon responded. Mr. Phoenix wondered if the cabana could be lowered. Ms. Bacon stated that the elevation was high at that point, which also elevated the structure.

Ms. Catlin wondered if there were pictures of the other cabana that was not yet built. Ms. Bacon responded, stating that the elevation was much lower in those areas.

Ms. Shiverick asked about the plantings on the cabana and its viability. Mr. Meyer responded.

Ms. Connaughton asked if there were niches on the east and west elevations. Ms. Bacon responded. Ms. Connaughton requested views of the main home. Ms. Bacon responded.

Ms. Visconti asked if the proposed tile was also on the main home. Ms. Bacon confirmed it was and showed the location of the main home. Ms. Visconti asked about the different heights of the wall, gate, and hedges. Mr. Meyer responded and explained the design, as well as the different heights. Mr. Meyer stated that they were trying to bring interest with the hedges.

Mr. Phoenix wondered if the palms would be added, to which Mr. Meyer confirmed. Mr. Phoenix wondered if additional palms could be added further south before the curve to add interest.

Ms. Connaughton asked about the grade of the road and the cabana. Ms. Bacon said the cabana was about two feet higher.

Mr. Karakul wondered if more landscaping could be added around the cabana, so that it would be more fully integrated into the natural landscape.

Mr. Sammons asked about the door height. Ms. Bacon responded that the top of the cornice was 8 feet.

Mr. Meyer provided alternative renderings of the proposed cabana.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Visconti supports adding smaller-scale trees, like pigeon plum or sea grape, along the front and sides to soften the building and reduce its apparent height, noting that palms will grow too tall and expose the structure again. She also said the quoining, combined with vines, creates a harsh contrast and doesn't fully green the façade. She thought that placing palms farther out on the property in a more natural, staggered way could complement this screening approach.

Ms. Catlin said the cabana is a beautiful design, but it feels too solid and formal for a stretch of beach that's defined by wide open views. Without substantial landscaping, she believed the structure would appear jarring, regardless of how well detailed it was. She also noted it may increase road-crossing activity because it's a more functional structure. Overall, she feels the design is attractive but not well-suited to this open, beach location.

Ms. Georgas said the revisions are significant, and the structure looks beautiful. She agreed with the other commissioners that the landscaping should be made lush to help soften the building's density. Overall, she was very positive about the design.

Ms. Connaughton said the cabana appears somewhat elevated and stilted from the road and suggested trying to mitigate the height. She feels the revised design, while improved, is now too busy for its size and would benefit from simplification. She noted issues with the proportions of the center bay, inconsistent quoining, niches, and overly large pocket doors, recommending a more unified roofline, simpler detailing, and alternative door types. Overall, she believes the design has potential but needs significant refinement.

Mr. Phoenix suggested rethinking the cabana so that it resembles an older, original Palm Beach structure rather than an extension of the main house, perhaps something simpler, lower, and clad entirely in stone, like a historic folly or beach bungalow. He felt removing the tile roof could reduce the perceived height and make the structure feel more authentic to the site. While he acknowledged the applicant made meaningful improvements and that the building is attractive, he encouraged a design that feels naturally rooted in the landscape and less like a miniature version of the main house, especially given the prominent ocean-facing curve of the road.

Ms. Patterson said the applicant clearly responded to prior feedback and noted her earlier concerns about how the pocket doors would function. She agrees the design may now have gone a bit too far, though the previous, simpler version was also not well received. She found the “folly” concept interesting and suggested perhaps toning down a few elements, with landscaping playing a major role in softening the structure. She also commented on how difficult it is to judge scale from drawings alone compared to experiencing it on-site.

Ms. Shiverick said the cabana should not draw extra attention, and she prefers it to resemble the main house rather than take on a “folly” or beach-shack character. She supports an elegant, consistent design that feels appropriate for the area, with only minor simplification needed. She was pleased it was moved 35 feet north and believes that, along with lush landscaping, it will help the structure blend in and feel like it naturally belongs to the property.

Mr. Sammons emphasized that the cabana sits in an extremely prominent location, so it cannot simply be made to disappear. He said the structure should be treated as an important architectural statement, not a small accessory building. He provided suggestions for several design elements, including the cornice, quoining, and roof tiles, and recommended using smaller, more refined components. He suggested simplifying and lowering the side wings, allowing them to recede, and planting to screen them, while making the central volume more elegant and properly proportioned. Overall, he urged the applicant to elevate the design, using high-quality, permanent materials, because the site deserves a simple but iconic building.

A motion was made by Ms. Catlin and seconded by Ms. Connaughton to defer the project to the January 28, 2026, meeting. The motion was carried unanimously, 7-0.

**Note: A short break was taken at 10:37 AM, and the meeting resumed at 10:53 AM.*

13. ARC-24-0122 239 WELLS RD. The applicant, 239 WELLS ROAD, LLC (Michael Perry, Representative), has filed an application requesting Architectural Commission review and approval for construction of a new, two-story residence with final hardscape, landscape and swimming pool improvements. ***This item has been deferred to the December 19, 2025 meeting.***

**Note: This meeting was deferred to December 19, 2025, upon approval of the agenda.*

14. ARC-24-0146 258 WELLS RD. The applicant, Bear 258 LLC (Lang Design Group), has filed an application requesting Architectural Commission review and approval for two (2) swinging vehicular gates anchored by new piers and one (1) pedestrian gate with an arched landscape trellis above, located near the front property line along Wells Road. ***This item has been deferred to the December 19, 2025, meeting.***

**Note: This meeting was deferred to December 19, 2025, upon approval of the agenda.*

15. ARC-25-0053 228 VIA LAS BRISAS. The applicant, VIA LAS BRISAS LLC (Catherine R. Clifton, Authorized Representative), has filed an application requesting Architectural Commission review and approval for construction of a new, two-story, single-family residence with final hardscape, landscape and swimming pool. ***This item has been deferred to the December 19, 2025 meeting.***

****Note: This meeting was deferred to December 19, 2025, upon approval of the agenda.***

16. ARC-25-0060 259 WORTH AVE. The applicant, 259 Worth Avenue LLC (Riccardo Grazia), has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing storefront including new signage, entry door and awnings. *This item has been deferred to the December 19, 2025, meeting.*

****Note: This meeting was deferred to December 19, 2025, upon approval of the agenda.***

17. ARC-25-0062 (ZON-25-0059) 222 CHERRY LN. (COMBO) The applicant, Nancy Clifford, has filed an application requesting Architectural Commission review and approval for construction of a new, two-story, single-family residence with final landscape, hardscape, and swimming pool improvements on an existing nonconforming parcel of land, requiring site plan review for redevelopment. Town Council shall review the application as it pertains to zoning relief/approval. *This item has been deferred to the December 19, 2025 meeting.*

****Note: This meeting was deferred to December 19, 2025, upon approval of the agenda.***

NEW BUSINESS

18. ARC-25-0071 117 DOLPHIN RD. The applicant, Fusz Marla Wiegman FUSZ MARLA WIEGMAN FAMILY TRUST (Dailey Janssen Architects), has filed an application requesting Architectural Commission review and approval for fenestration changes to a previously approved new single-family residence.

Ms. Pardue provided staff comments on the project.

Several members disclosed ex parte communications.

Roger Janssen of Dailey Janssen Architects reviewed the architectural modifications proposed for the existing residence. Mr. Janssen presented three different options (A, B, and C) on the overhead projector.

Mr. Sammons asked about the change in the windows. Mr. Janssen responded.

Ms. Connaughton asked about Option C and if it would step back; she thought it looked a little strange. Mr. Janssen responded and explained the design. Ms. Connaughton asked about the height of the gable in Option B. Mr. Janssen responded.

Ms. Georgas asked about the proposed shutters. Mr. Janssen responded.

Ms. Catlin inquired about the texture of the stucco; Mr. Janssen described it.

Mr. Phoenix inquired about the opening in the entry for each option. Mr. Janssen responded. Mr. Phoenix inquired about the paint color for the shutters and the house. Mr. Janssen responded.

Ms. Visconti said the newly proposed design feels too generic, losing the unique brick detailing

and distinctive architecture that originally made the house special. She prefers Option A because it preserves more of the character and keeps the home feeling elevated and interesting, rather than simplified into something basic.

Mr. Sammons strongly supported Option A, emphasizing that the tile work should be mitered and that the design needed a projecting fascia to avoid appearing heavy. He questioned why the two wings have different heights. He also felt the casement windows were ineffective and suggested adjusting the rail height and using traditional proportions.

Ms. Catlin said Option A is clearly the strongest. While she wasn't attached to the brick itself, she felt the original texture added character, and removing it made the house feel more generic. She encouraged finding another way to reintroduce texture, perhaps stone or a more textured stucco, to bring back some uniqueness and prevent the design from becoming too ordinary.

Ms. Patterson preferred Option A.

Ms. Connaughton agreed with Option A. She regrets the loss of the brick, which she felt gave the house clarity and character. She is unsure about the casement windows and agreed that they should swing inward if used, but overall, she felt the home looked more confident and authentic with its original double-hung windows.

Mr. Phoenix agreed with the other commissioners.

Mr. Karakul favored Option A and suggested using better lanterns. He supported the casement windows.

A motion was made by Ms. Catlin and seconded by Ms. Shiverick to approve the project with Option A, with the condition that the windows shall be double-hung and new lanterns shall be used. The motion was carried 6-1, with Mr. Karakul dissenting.

19. ARC-25-0075 (ZON-25-0068) 160 BARTON AVE (COMBO). The applicant, Madeleine Parker (HCA Architecture, Representative), has filed an application requesting Architectural Commission review and approval for a second-floor addition, new fixed cover over front entry, window modification and site work at an existing residence; with variance relief requested for an addition within the required two-story side-yard setback. Town Council shall review the application as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Several members disclosed ex parte communications.

Peter Sprowls of HCA Architecture presented the architectural modifications for the existing residence.

Ms. Connaughton asked when the house was built. Mr. Sprowls stated it was built in 1931.

Mr. Phoenix asked several clarifying questions about the design changes. He asked about covering the pediment with an awning and whether they considered rearranging the first-floor

plan to accomplish the design. He asked about the loggia structure at the rear of the home. Mr. Sprowls responded and further explained the design.

Ms. Shiverick asked about the terracotta trim and the dual color of the stairwell. Mr. Sprowls discussed why the design was chosen. Ms. Shiverick thought it was a stark contrast for the stairwell. She inquired about the large bay window and the substantial amount of glazing for the area. Mr. Sprowls responded and discussed the design.

Ms. Connaughton asked about the dimensions of the addition's finished floor as well as other elements. Mr. Sprowls responded.

Mr. Smith called for public comment.

Attorney Jamie Gavigan, representing the owner at 170 Barton Avenue, stated his client's objections, which included loss of light and privacy concerns. Mr. Gavigan provided three pictures from his client's home, showing where the addition would encroach onto the side yard setback.

Mr. Phoenix was firmly opposed, saying the proposal undermines a charming, historic home. He criticized the removal of the pediment, the addition of a narrow second-story extension, and the alteration of windows and interiors, calling the plan unfocused and detrimental to the house's integrity. He said there are far better ways to reconfigure the layout while preserving the original façade.

Mr. Smith strongly opposed the project. He criticized removing the pediment in favor of a commercial-looking entry, adding a narrow second-story addition that wouldn't meet code, and altering windows in ways that disrupt the house. He said a better solution would be to use or extend the east wing rather than placing a second story over the loggia, which is rarely appropriate. Overall, he felt this approach was not the right way to add space to an already quirky house.

Ms. Visconti agreed that this is not the right location for an addition, and wherever it is placed, it must not be visually obvious. She said she assumed the terracotta-colored mass shown was only a diagram and emphasized that the addition should not appear in that contrasting color.

Ms. Catlin said the proposed changes fall short for such an elegant neighborhood. She isn't opposed to a new front-door cover, but the squared-off design with a clear canopy feels like a quick, inexpensive fix rather than something appropriate to the home. She felt the second-floor addition looked poorly fitted and not integrated into the original architecture. She urged a full restudy so that any addition appears intentional, cohesive, and as though it were part of the house from the beginning.

Ms. Connaughton said the house is clearly very special and the pediment should never be altered. She found the proposed addition and rear composition illogical and impractical, with proportions that would likely disappoint the owners. She felt that the changes undermined the home's simplicity and clarity, and agreed that the addition should be located elsewhere on the property.

Ms. Patterson said the pediment is a defining anchor of the house and should not be touched. She felt the rear addition appeared disorganized and squeezed in, and the contemporary staircase looked out of place with the home's character. She agreed that the extra space needs to be found elsewhere on the property.

Mr. Karakul appreciated that the ballroom was left intact, but felt that the overall design needed significant rethinking to achieve a more compatible and cohesive result.

A motion was made by Ms. Catlin and seconded by Ms. Visconti to defer the project to the January 28, 2026, meeting for extensive restudy. The motion was carried unanimously, 7-0.

20. ARC-25-0073 3140 S OCEAN BLVD. The applicant, Carton Place Condominium Association, has filed an application requesting Architectural Commission review and approval for site improvements including a new guardhouse with lift arms, installation of a fountain, new entry covering, and landscape and hardscape modifications.

Several members disclosed ex parte communications.

Ms. Pardue provided staff comments on the project.

Jerome Baumoehl of Jerome Baumoehl Architects presented the architectural plans for the new guardhouse. Sean Twomey of Environment Design Group presented the landscape and hardscape plans for the site.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Phoenix asked if the flagpole would be left in place. Mr. Twomey confirmed it would remain. Mr. Phoenix asked about the lighting and what would light the building. Mr. Baumoehl responded. Mr. Phoenix suggested adding a window to the bathroom, and Mr. Baumoehl agreed with the suggestion. Mr. Phoenix asked about the temperature of the LED lighting. Mr. Baumoehl responded and stated he would keep them warm. Mr. Phoenix asked about the material for the portico. Mr. Baumoehl stated that he wanted the portico to look as if it had always been a part of the design. Mr. Phoenix asked about the dimensions of the gate. Mr. Twomey discussed the design and materials of the entry gates.

Ms. Shiverick inquired about the existing entrance and the proposed materials for the new covered entrance. Mr. Baumoehl showed the existing and proposed plans. Ms. Shiverick thought the proposal was an improvement. She asked if more beefier palms could be added. Mr. Twomey confirmed that he would consider adding more palms to the front of the building.

Ms. Visconti agreed that more palms could be added to the front landscaping next to the building. She made a suggestion for the hardscape at the front entrance, as well as the vehicular gate. Ms. Visconti asked about the LED lighting in the column. Mr. Baumoehl responded.

Mr. Smith had an issue with the gates because they were not on the same plane. Mr. Baumoehl stated that he would review the design. Mr. Smith recommended restudying the landscaping where the Canary Date palm was located.

Mr. Phoenix agreed that a different planting should be considered where the Canary Date palm

was located. He thought the gates were odd, especially their placement. He recommended restudying the decorative fixtures on the gatehouse, as well as the hardscape border, the lights, the backlit sign, and the gates.

Ms. Visconti thought the bubbler elements needed restudy.

Ms. Georgas thought the LED lights at the entrance needed to be studied.

A motion was made by Ms. Catlin and seconded by Ms. Visconti to defer the project to the December 19, 2025, meeting with the request to add a bathroom window, to align the gates, to restudy the colors of the hardscape borders, revise the fountains, and a revised lighting plan in alignment with the comments of the Commissioners. The motion was carried unanimously, 7-0.

21. ARC-25-0072 341 HIBISCUS AVE. The applicant, Roy E II & Vanessa Carroll (Environment Design Group), has filed an application requesting Architectural Commission review and approval for sitewide landscape and hardscape improvements. *This application has been withdrawn by the applicant.*

****Note: This meeting was withdrawn upon the approval of the agenda.***

ANY OTHER BUSINESS

There was no other business discussed at this time.

MEETING SCHEDULE

22. The next meeting is scheduled for Friday, December 19, 2025

Ms. Mittner reminded the Commission that the meeting would be on a Friday in December. She also noted that December would be the last month that paper would be provided to the Commissioners, as the Commission was moving to a paperless meeting due to the town's green initiative.

ADJOURNMENT

A motion was made by Ms. Visconti and seconded by Mr. Sammons to adjourn the meeting at 12:12 PM. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Jeffery W. Smith, Chair

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Robert Miracle, CPA Deputy Town Manager, Finance and Administration
Kirk W. Blouin, Town Manager

From: Dean Mealy, II NIGP-CPP, CPPO, FCCM Town Procurement and Contract
Manager

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach
County, Florida, approving a purchase order to Chen Moore and Associates in
the amount of \$249,288, approving a contingency in the amount of \$37,393
and approving a project budget in the amount of \$286,681 for the Pavement
Management Master Plan.
141-2025

Date: 10/29/2025

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 141-2025, approving a purchase order to Chen Moore and Associates in the amount of \$249,288, approving a contingency in the amount of \$37,393 and approving a project budget in the amount of \$286,681 for the Pavement Management Master Plan.

SUMMARY EXPLANATION/BACKGROUND

The Town has been milling and resurfacing all Town roads following the undergrounding project to provide a consistent road surface with no trench patches. Town staff have observed varying conditions of the pavement upon doing this project and have requested Chen Moore prepare a proposal to conduct a Pavement Management Master Plan. The intent of this task is to provide the Town with data about the condition of the roads and to lay out a Master Plan to identify techniques and funding recommendations associated with the recommended Capital Improvements and Operations and Maintenance of the roadway network in the Town. Chen Moore will utilize a software program called PAVER and conduct field reports and assessments of select roadways to verify the data. A final Pavement Management Master Plan will be provided as the deliverable.

FUNDING/FISCAL IMPACT

This project will be funded from the Capital Improvement Program.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Mobility and Transportation

Strategic Focus Areas:

Quality of Life

Sustainable Management of Town Assets

On-island Mobility

FUNDING

Capital

RESOLUTION NO. 141-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO CHEN MOORE AND ASSOCIATES IN THE AMOUNT OF \$249,288, APPROVING A CONTINGENCY IN THE AMOUNT OF \$37,393 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$286,681 FOR THE PAVEMENT MANAGEMENT MASTER PLAN.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 141-2025, approving a purchase order to Chen Moore and Associates in the amount of \$249,288, approving a contingency in the amount of \$37,393 and approving a project budget in the amount of \$286,681 for the Pavement Management Master Plan.

Section 2: The Town Manager or his designee is hereby authorized to execute the purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on 9th day of December 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

500 S. Australian Ave., Suite 850
West Palm Beach, FL 33401
Office: +1 (561) 746-6900



November 24, 2025

SENT VIA EMAIL
(DMealy@TownofPalmBeach.com)

Dean Mealy, II
Purchasing Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Subject: **PAVEMENT MANAGEMENT MASTER PLAN**
CMA Proposal: P25.431.0012

Dear Mr. Mealy:

Chen Moore and Associates (CMA) is pleased to provide a proposal for the development of a Pavement Management Master Plan to identify techniques and funding recommendations associated with the recommended Capital Improvements and Operations and Maintenance of the roadway network in the Town.

The proposed Pavement Management Master Plan will start with the development of a database describing the condition of all roadway segments in the Town's roughly 42 mile roadway network. The condition of each segment will be defined utilizing the Pavement Condition Index (PCI) schema originally developed by the US Army Corps of Engineers and defined in ASTM D6433-20. Once the PCI for each roadway segment in the Town's network has been incorporated within a database, specialty software (PAVER 7) will be utilized to evaluate the long-term effects of various maintenance and rehabilitation (M&R) strategies on the overall roadway network. This technique will allow the Town to develop a suite of planning options for maintaining the roadway network based on different repair techniques and annual funding scenarios.

In addition to utilizing the PAVER 7 software to evaluate pavement M&R, CMA will concurrently develop a categorization index to evaluate drainage concerns for each roadway segment. This drainage index will be based on the average elevation of the roadway segment, the identified longitudinal slope along the segment, and the density of Town drainage infrastructure along the roadway segment.

By combining the PAVER 7 recommendations and the results of the drainage analysis, CMA will provide the Town with a recommendation for the sequence of recommended roadway maintenance and rehabilitation for a 10-year period along with recommendations with respect to annual capital and maintenance funding. These objectives will be accomplished based on the following scope of services.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks and subtasks:

Task 1A – PAVER Model Setup and Data Collection

The first step of developing the PAVER 7 Model will be performing analysis of existing geospatial data within the Town's GIS atlas. CMA will divide the Town's 42 mile roadway network into distinct roadway segments defined with start and end points at each intersection. Once the roadway database has been developed, a Pavement Condition Index (PCI) will be assigned to each roadway segment. For locations where paving has been completed as part of the undergrounding project, each roadway will be assigned a PCI of 100 less the deterioration projected based on the years since the final mill and overlay was performed. For roadway segments that have not been paved as part of the undergrounding project, CMA will perform field inspections to determine the average PCI based on the methodologies defined in ASTM D6433-20. CMA field inspectors will also perform verification inspections on a random sampling of roadway segments paved as part of the undergrounding project that have been assigned PCIs based on deterioration projections.

As part of Task 1A, CMA will also coordinate with a geotechnical engineering subconsultant (H2R) to perform 120 pavement cores at locations throughout the Town's roadway network. The locations of the 120 cores will be determined in coordination with the Town Staff to reflect areas where issues have been identified and in locations where previous coring data (such as the information collected during the utility undergrounding project) is unavailable. The reporting for each pavement core will include a measurement of the thickness of the pavement and baserock as well as a description of the subgrade material. The results of this analysis will be incorporated into the assumptions defining the PCI for each roadway segment in the PAVER database.

Once a preliminary GIS network has been defined for all roadway segments with assigned preliminary PCI assessments, CMA will import the data into PAVER 7 and begin reviewing other modeling assumptions. CMA will review the family of curves associated with pavement condition deterioration prediction and confirm the selected curves are representative of climatic and environmental conditions in the Town. CMA will also review the M&R strategy options defined within the model to evaluate which options are most applicable to the Town for each of the following three categories:

- Local preventative – Minor repairs at locations of failure
- Global preventative – Rehabilitation treatments applied to entire street segments
- Major M&R activities – Capital investments such as mill and overlay or full depth replacement

CMA will provide a review of the assumptions defined within the PAVER model with respect to when each M&R strategy is applied, what effect it will have, and what cost per square foot is appropriate. Once CMA has prepared a preliminary model setup a baseline condition model scenario will be simulated assuming a fixed annual budget for M&R that reflects the average expected Town budget over a 20-year period.

CMA will prepare a technical memorandum illustrating the preliminary PCI assessment for the Town's roadway network and describing all assumptions made in developing the PAVER model setup. The Model Setup Technical Memorandum will also include the results of the baseline condition model scenario for the Town's reference.

Task 1B – Develop Roadway Drainage Prioritization Setup

In order to align roadway maintenance priorities with other capital improvements on each segment, CMA will prepare a high-level assessment of drainage conditions to determine the likelihood for potential underground construction activities. In lieu of performing a detailed hydrologic and hydraulic modeling exercise to determine drainage concerns, CMA will perform a GIS analysis of elevation, slope, and infrastructure density to rank the likelihood of flooding concerns. With respect to an elevation analysis, CMA will compile the maximum, average, and minimum elevation for each roadway segment based on LIDAR data. This approach will identify which roadway segments are lower and low points within segments that are likely to see ponding. Utilizing this elevation data, CMA will also calculate the average and maximum longitudinal slope along roadway segments in consideration that even if a roadway segment is not too low, if it is too flat ponding is expected. Lastly, CMA will evaluate the density of stormwater infrastructure by developing an index such as number of inlets per 1,000 feet of roadway. This index will reflect the fact that in some locations a roadway that may be relatively low and have minimal slope can still resolve drainage issues with infrastructure.

CMA will compile the results of the GIS analysis to develop a roadway drainage prioritization model where the metrics for elevation, slope, and infrastructure can be weighted differently based on Town preferences. The final assumptions, approach, and results of this analysis will be documented in a Roadway Drainage Prioritization Technical Memorandum that will be submitted to the Town for review.

Task 1C – Review Meeting and Coordination

CMA will prepare for, attend, and document a technical review meeting with the Town staff to document the comments and feedback on the PAVER Model Setup Technical Memorandum and the Roadway Drainage Prioritization Technical Memorandum. Once the feedback has been received, an additional discussion will be held to discuss the Town's preference with respect to PAVER modeling scenarios and roadway drainage prioritization preferences. It is assumed that up to five (5) different planning scenarios will be defined in the review meeting for roadway network management strategies with respect to M&R and annual funding.

Task 2A – Simulate PAVER Scenarios

Based on feedback from the Town, CMA will simulate up to five (5) different planning scenarios within PAVER to evaluate the effectiveness with respect to the average PCI for the overall roadway network. Each scenario will be evaluated with respect to the sensitivity of the model to M&R strategies and funding strategies. The results of the PAVER scenarios will be compiled into a powerpoint presentation that can be shared with Town Staff for their review.

Task 2B – Finalize Roadway Drainage Prioritization

Based on feedback from the Town, CMA will refine the roadway drainage prioritization model and prepare an updated ranking of roadway segments with the highest likelihood of flooding issues. In addition, a conceptual level cost estimate will be provided for the ten (10) highest ranked roadway segments. The results of the finalized roadway drainage prioritization will be compiled into a powerpoint presentation and Excel table that can be shared with Town Staff for their review.

Task 2C – Review Meeting and Coordination

CMA will prepare for, attend, and document a technical review meeting with the Town staff to present the findings of the PAVER scenarios and the Roadway Drainage Prioritization to solicit feedback from Town Staff. Once the feedback has been received, an additional discussion will be held to discuss the Town's anticipated annual budget for drainage improvements in order to support recommendations in the final planning document.

Task 3A – Prepare Draft Pavement Management Master Plan

CMA will compile all information contained in the technical memoranda and results presentations from Tasks 1 and 2 into a single document representing the Draft Pavement Management Master Plan. This document will combine the PAVER scenario rankings with the Roadway Drainage Prioritization and the available annual budget for drainage improvements to prepare a 10-year CIP and O&M plan for the Town's roadway network.

CMA will prepare for, attend, and document a review meeting with the Town staff to discuss the Draft Master Plan. All comments will be memorialized for revision of the document and preparation of the Final Plan

Task 3B – Prepare Final Pavement Management Master Plan

Based on feedback from the Town, CMA will revise the draft document and prepare the Final Pavement Management Master Plan.

II. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the Town with these services if necessary:

1. FDOT and Private roadways will be excluded from the PAVER analysis
2. Procuring field survey or geotechnical investigations such as pavement cores.
3. Detailed hydrologic and hydraulic modeling of drainage conditions of existing roadways.
4. Detailed cost estimates for individual roadway projects.

III. FEES AND SCHEDULE

Consultant shall schedule work upon receipt of signed approval for this project as required. The total fees for this project are summarized below.

TASK	CMA FEE	H2R FEE	TOTAL FEE
Task 1 – Model Setup	\$97,430	\$51,368	\$148,798
Task 2 – Scenario Analysis	\$70,800		\$70,800
Task 3 – Pavement Management Master Plan Report	\$29,690		\$29,690
TOTAL	\$197,920	\$51,368	\$249,288

All tasks will be paid on a time and materials basis. All tasks are scheduled to be completed within 180 days from the Notice to Proceed.

Should you have any questions, please do not hesitate to contact me at my cell at (561) 329-1797 or send me an electronic message at bwhitfield@chenmoore.com.

Respectfully submitted,



Brent Whitfield, PE
Principal Engineer
Chen Moore and Associates

Attachments:

Exhibit A: Detailed Fee Estimate

Exhibit B: Detailed Proposal for Pavement Core and Evaluation (H2R)

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
PAVEMENT MANAGEMENT MASTER PLAN

11/11/2025

Chen Moore and Associates Project # P25.431.012

	Principal	Project Director	Project Manager	CMA Project Engineer	Associate Engineer	Senior Const Specialist	Clerical	H2R Geotechnical Engineer	Total
Hourly Rate	\$550.00	\$330.00	\$215.00	\$190.00	\$135.00	\$160.00	\$120.00		
TASK 1A – PAVER Model Setup									
1A.1 Prepare roadway segment database with preliminary PCI scores		8	16		60				\$14,180.00
1A.2 Perform site visits for verification		8	24		16	80			\$22,760.00
1A.3 Evaluate deterioration curves		2	6		16	2			\$4,430.00
1A.4 Develop preliminary M&R assumptions		4	8		24	4			\$6,920.00
1A.5 Collect 120 pavement cores		2	4		8			\$ 51,368.00	\$53,968.00
1A.6 Develop and run baseline PAVER simulation		2	4		32				\$5,840.00
1A.7 Prepare PAVER setup technical memorandum		16	32		48				\$18,640.00
Task 1A Total Fee	\$0	\$13,860	\$20,210	\$0	\$27,540	\$13,760	\$0		\$126,738.00
Task 1A Total Hours	0	42	94	0	204	86	0		426
TASK 1B – Develop Roadway Drainage Prioritization Setup									
1B.1 Prepare GIS analysis of elevation / slope / infrastructure density		2	12		24				\$6,480.00
1B.2 Develop spreadsheet defining ranking prioritization based on weighting		1	4		16				\$3,350.00
1B.3 Prepare Drainage Prioritization technical memorandum		4	16		24				\$8,000.00
Task 1B Total Fee	\$0	\$2,310	\$6,880	\$0	\$8,640	\$0	\$0		\$17,830.00
Task 1B Total Hours	0	7	32	0	64	0	0		103
TASK 1C – Review Meeting and Coordination									
1C.1 Prepare for and attend technical meeting		4	4		4				\$2,720.00
1C.2 Document comments and assumptions for PAVER scenarios			2		8				\$1,510.00
Task 1C Total Fee	\$0	\$1,320	\$1,290	\$0	\$1,620	\$0	\$0		\$4,230.00
Task 1C Total Hours	0	4	6	0	12	0	0		22
TASK 2A – Simulate PAVER Scenarios									
2A.1 Simulate up to five PAVER scenarios		15	40		80				\$24,350.00
2A.2 Evaluate sensitivity and results of the PAVER scenarios		10	20		40				\$13,000.00
2A.3 Prepare powerpoint presentation of PAVER results		8	12		24				\$8,460.00
Task 2A Total Fee	\$0	\$10,890	\$15,480	\$0	\$19,440	\$0	\$0		\$45,810.00
Task 2A Total Hours	0	33	72	0	144	0	0		249
TASK 2B – Finalize Roadway Drainage Prioritization									
2B.1 Revise drainage prioritization		2	8		16				\$4,540.00
2B.2 Prepare conceptual cost estimates for top 10 highest ranked roadway		4	20		40				\$11,020.00
2B.3 Prepare powerpoint presentation and table of drainage prioritization		4	8		16				\$5,200.00
Task 2B Total Fee	\$0	\$3,300	\$7,740	\$0	\$9,720	\$0	\$0		\$20,760.00
Task 2B Total Hours	0	10	36	0	72	0	0		118
TASK 2C – Review Meeting and Coordination									
2C.1 Prepare for and attend technical meeting		4	4		4				\$2,720.00
2C.2 Document comments and assumptions for budget availability			2		8				\$1,510.00
Task 2C Total Fee	\$0	\$1,320	\$1,290	\$0	\$1,620	\$0	\$0		\$4,230.00

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
PAVEMENT MANAGEMENT MASTER PLAN

11/11/2025

Chen Moore and Associates Project # P25.431.012

Task 2C Total Hours	0	4	6	0	12	0	0		22
TASK 3A – Prepare Draft Pavement Management Master Plan									
3A.1 Compile all documentation into Draft Master Plan report		8	32		60				\$17,620.00
3A.2 Review meeting with Town Staff		4	4		6				\$2,990.00
Task 3A Total Fee	\$0	\$3,960	\$7,740	\$0	\$8,910	\$0	\$0		\$20,610.00
Task 3A Total Hours	0	12	36	0	66	0	0		114
TASK 3B – Prepare Final Pavement Management Master Plan									
3B.1 Revise draft report and prepare Final Master Plan		4	16		32				\$9,080.00
Task 3B Total Fee	\$0	\$1,320	\$3,440	\$0	\$4,320	\$0	\$0		\$9,080.00
Task 3B Total Hours	0	4	16	0	32	0	0		52

TOTAL FEE

\$249,288.00



November 10, 2025

Brent Whitfield, PE
Director of Water Resources
CMA West Palm Beach

Subject: Proposal for Pavement Core and Evaluation Town of Palm Beach
Palm Beach County, FL
Proposal Number: 251105.149

Dear Mr. Whitfield,

H2R Corp is pleased to submit this proposal for geotechnical investigation services related to the Town of Palm Beach Pavement Study. Our goal is to provide a thorough evaluation of the subsurface conditions and offer comprehensive recommendations for the overall project design. Below is a breakdown of the tasks included in our scope of work:

Scope of Work

The scope outlined below reflects the anticipated field effort and reporting approach; however, minor adjustments to core quantities, traffic control, or sequencing may be made in the field to address site conditions, safety considerations, or Town coordination requirements.

- 1) Utility Coordination H2R Corp will request underground utility locates through Sunshine 811 for utilities covered under their service. Utilities not included in Sunshine 811 will be the responsibility of others to identify.
- 2) The field Exploration will consist of:
 - a) Performing up to 120 asphalt pavement cores (up to 6-inch diameter) at locations.
 - b) Record pavement thickness, base/subbase composition, and subgrade material conditions at each core.
 - c) Cores will be temporarily backfilled with cold patch.
- 3) Maintenance of Traffic (MOT) Traffic control measures will be provided where required based on roadway classification and traffic conditions. Residential and local roads are expected to require minimal controls, as the majority of the coring locations are anticipated to be located along lower-volume side streets where traffic disruptions are expected to be minimal. However, allowances have been included for work along higher-volume or constrained roadways where supplemental traffic control, flagging, or lane shifts may be necessary.
- 4) When selecting the coring locations, H2R will target areas with the worst conditions such as visible cracking, rutting, wheel paths or areas exhibiting distress. Data Core locations will be logged using GPS coordinates for integration into a pavement management mapping system.

Deliverables

H2R Corp will prepare a Pavement Evaluation Report summarizing all pavement coring results and observations. The report will include pavement evaluation documentation with photographs of each core and measurements of pavement, base, and subgrade thicknesses, along with a tabulated summary of pavement and base thicknesses. Subgrade material descriptions and general condition notes will be incorporated to describe variations in roadway structure across the project area. A core location map with GPS coordinates will be provided, along with a discussion of observed pavement condition trends and recommendations to support CMA's pavement rehabilitation planning.

Estimated Costs

The following table provides a breakdown of the anticipated costs associated with fieldwork, traffic control, reporting, and related services. All work will be performed on a not-to-exceed basis, and no additional expenses will be incurred without prior written authorization from CMA.

Task	Rate	Units	Estimated Qty	Subtotal
Mobilization Planning, Field Setup and Coordination (Utility clearance, MOT plan/permitting and other necessary tasks)	\$ 2,500.00	LS	1	\$ 2,500.00
Mobilization Asphalt Coring Equipment	\$ 420.00	EA	3	\$ 1,260.00
Asphalt Pavement Coring - 6in dia with Base Depth Check	\$ 288.40	EA	120	\$ 34,608.00
Maintenance of Traffic (MOT)	\$ 2,500.00	Day	3	\$ 7,500.00
Pavement Evaluation Report	\$ 5,500.00	LS	1	\$ 5,500.00
			GRAND TOTAL	\$ 51,368.00

Schedule

We anticipate the entire scope of work to be completed within 14 working days from the initiation of fieldwork, subject to weather, traffic, and accessibility.

We trust that our proposal meets the requirements of your project. Should you have any questions or need further clarifications, please do not hesitate to contact us. We look forward to the opportunity to work with you on this project.

Sincerely,
H2R Corp



Caroline Crafton, E.I.T.
Staff Geotechnical Engineer



Yves-Stanley (Stan) Delmas, P.E.
Senior Geotechnical Engineer

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Carolyn Stone, Deputy Town Manager, Business Enterprise and Culture
Kirk W. Blouin, Town Manager

From: Joanne O'Connor, Town Attorney

Re: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Opposing The Palm Beach County Local Bill Relating To The Fire Rescue Municipal Services Taxing Unit (MSTU); Urging The Palm Beach County Legislative Delegation To Reject Said Bill; Providing For Direction To The Town Clerk; And Providing An Effective Date.
172-2025

Date: 11/26/2025

STAFF RECOMMENDATION

Staff requests that the Town Council consider the approval of Resolution No. 175-2025 in response to the Palm Beach County Local Bill related to the Fire Rescue Municipal Services Taxing Unit (MSTU). Approval of this resolution will formally state the Town's opposition to the Local Bill and affirm the Town's position regarding municipal home rule authority, taxation, and service responsibility for annexed areas.

GENERAL INFORMATION

Palm Beach County has brought forward a proposed Local Bill relating to the Fire Rescue Municipal Services Taxing Unit (MSTU). As drafted, the Local Bill would require properties newly annexed into any municipality to remain within the County's MSTU and continue paying MSTU ad valorem taxes until such time as the County elects to revise MSTU boundaries. This requirement would apply regardless of the municipality's provision of its own fire-rescue or emergency medical services.

The proposed Local Bill raises several significant concerns:

- **Conflict with municipal home rule authority:** Florida's Constitution and general law grant municipalities broad authority to provide essential public safety services within their jurisdiction. The Local Bill would undermine that authority by restricting municipal control over fire-rescue service delivery in newly annexed areas.
- **Double taxation of newly annexed property owners:** Under the Local Bill, property owners in annexed areas would pay both the Town's full millage rate and the County's MSTU millage, creating an inequitable and unlawful double-taxation

scenario.

- **Disparate treatment of similarly situated property owners:** Residents and businesses in newly annexed areas would not receive the same benefits or treatment as others within the municipality, contrary to statutory requirements that annexed areas receive equal municipal privileges and services.
- **Conflict with statutory provisions governing MSTUs:** Florida Statutes require municipal consent before an MSTU includes municipal territory, and they prohibit special laws governing the assessment or collection of taxes for county purposes. The Local Bill conflicts with these requirements.

Given these issues, the resolution expresses the Town's strongest opposition to the Local Bill and urges the Palm Beach County Legislative Delegation to reject it. The resolution also directs the Town Clerk to transmit copies to the Legislative Delegation and the Palm Beach League of Cities. Approval of the resolution will ensure that the Town's concerns are clearly and formally communicated to policymakers.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

FUNDING

No Fiscal Impact

RESOLUTION NO. 172-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, OPPOSING THE PALM BEACH COUNTY LOCAL BILL RELATING TO THE FIRE RESCUE MUNICIPAL SERVICES TAXING UNIT (MSTU); URGING THE PALM BEACH COUNTY LEGISLATIVE DELEGATION TO REJECT SAID BILL; PROVIDING FOR DIRECTION TO THE TOWN CLERK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, , the Town Council of the Town of Palm Beach is dedicated to protecting the best interests of its residents and businesses, and to ensuring that their health, safety, and welfare are fully considered in all local government matters; and

WHEREAS, pursuant to Article VIII, section 2(b) of the Florida Constitution and Fla. Stat. §166.021, municipalities have broad home rule authority over the governance of their residents and businesses including, most importantly, to ensure public safety by providing high-quality, cost-efficient governmental services such as fire-rescue and emergency medical services; and

WHEREAS, pursuant to Fla. Stat. §171.062(1), an area annexed by a municipality becomes subject to all laws, ordinances, and regulations in the annexing municipality and the residents of the annexed area are entitled to the same privileges and benefits as other parts of the municipality upon the effective date of the annexation; and

WHEREAS, in accordance with Florida law, upon annexation, the residential and non-residential property owners of a municipality are required to pay ad valorem and other taxes or assessments and are entitled to receive the same services and capital programs as others within the municipality; and

WHEREAS, in contravention of Fla. Stat. §§166.021 and 171.062(1) and the Florida Constitution, the Palm Beach County local bill ("Local Bill") relating to the Fire Rescue Municipal Services Taxing Unit ("MSTU") proposes to treat residential and non-residential property owners in newly annexed areas differently from other municipal property owners by requiring that the property owners in newly annexed areas also remain within the MSTU and pay taxes levied by the Palm Beach County MSTU until Palm Beach County, in its sole discretion, revise the MSTU boundaries; and

WHEREAS, Section 125.01(q), Florida Statutes, expressly provides that an MSTU may include all or part of the boundaries of a municipality only with the consent, by ordinance, of the governing body of the affected municipality; and

WHEREAS, the Local Bill encroaches on a municipality's home rule authority to establish and fund public safety services and capital programs for all residents within its boundaries in direct conflict with the Florida Constitution and general law; and

WHEREAS, Article III, Section 11(a) of the Florida Constitution prohibits special laws of local application relating to the assessment or collection of taxes for county purposes; and

WHEREAS, the Local Bill is contrary to this constitutional provision because it directly governs the assessment and collection of ad valorem taxes within the MSTU; and

WHEREAS, the Local Bill further proposes to prohibit an annexing municipality from providing fire-rescue services to the owners of properties in a newly annexed area, contrary to the home rule authority granted to municipalities under Article VIII, section 2(b) of the Florida Constitution and Fla. Stat. §166.021 to conduct municipal government, perform municipal functions, and provide essential municipal services except as otherwise provided by law; and

WHEREAS, the Local Bill purports to make lawful—only for municipalities in Palm Beach County—the double taxation of a class of property owners (those who become newly annexed), with the newly annexed property owners subject to the annexing municipality’s full ad valorem millage rate while also continuing to pay the MSTU millage rate established by Palm Beach County; and

WHEREAS, such double taxation conflicts with Section 200.081, Florida Statutes, which treats MSTUs as dependent special districts for municipal millage calculation purposes and requires a reduction to the municipal millage rate equal to the MSTU millage; and

WHEREAS, the Town Council of the Town of Palm Beach finds that approving this resolution opposing the Local Bill is in the best interests of the residents and property owners of the Town and is necessary to protect municipal home rule authority, prevent unconstitutional taxation, and preserve sound governance principles.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The above recitals are hereby ratified, confirmed, and incorporated herein by this reference as findings of the Town Council.

Section 2: The Town Council hereby expresses its strongest opposition to the Palm Beach County Local Bill relating to the Fire Rescue Municipal Services Taxing Unit because it is unlawful as set forth in the above recitals and urges the Palm Beach County Legislative Delegation to oppose and reject this unlawful Local Bill.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on December 9, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Robert Miracle, CPA Deputy Town Manager, Finance and Administration
Kirk W. Blouin, Town Manager

From: Dean Mealy, II NIGP-CPP, CPPO, FCCM Town Procurement and Contract
Division Director

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach
County, Florida, approving a purchase order to Coastal Protection Engineering,
LLC in the amount of \$196,650, approving a contingency in the amount of
\$29,497 and approving a project budget in the amount of \$226,147 for
construction support during the Mid-Town Beach Nourishment Project.
166-2025

Date: 11/26/2025

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 166-2025, approving a purchase order to Coastal Protection Engineering, LLC in the amount of \$196,650, approving a contingency in the amount of \$29,497 and approving a project budget in the amount of \$226,147 for construction support during the Mid-Town Beach Nourishment Project.

SUMMARY EXPLANATION/BACKGROUND

The attached proposal is for the Town's coastal engineering consultant, Coastal Protection Engineering LLC (CPE) to provide construction oversight support during the 2026 Army Corps of Engineers Flood Control and Coastal Emergencies (FCCE) Mid-Town Beach Renourishment Project. CPE will provide pre-construction coordination, public outreach, construction observation and administration and project coordination support throughout the project. They will provide oversight to ensure compliance with the Town's Beach Management Agreement (BMA) and Individual Project Approval (IPA) from the Florida Department of Environmental Protection (FDEP).

CPE was awarded a contract as part of Solicitation No. RFQ No. 2025-002. The firm has continued to provide excellent service to the Town.

FUNDING/FISCAL IMPACT

Funding for this project will be from the Coastal Fund.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

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

Strategic Focus Areas:

Quality of Life

Community Preservation

Management of Environmental Threats

FUNDING

Coastal

RESOLUTION NO. 166-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO COASTAL PROTECTION ENGINEERING, LLC IN THE AMOUNT OF \$196,650, APPROVING A CONTINGENCY IN THE AMOUNT OF \$29,497 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$226,147 FOR CONSTRUCTION SUPPORT DURING THE MID-TOWN BEACH NOURISHMENT PROJECT.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 166-2025, approving a purchase order to Coastal Protection Engineering, LLC in the amount of \$196,650, approving a contingency in the amount of \$29,497 and approving a project budget in the amount of \$226,147 for construction support during the Mid-Town Beach Nourishment Project.

Section 2: The Town Manager or his designee is hereby authorized to issue purchase orders on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on 9th day of December 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

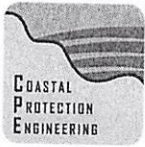
Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



COASTAL PROTECTION ENGINEERING
5301 N. FEDERAL HWY, SUITE 335
BOCA RATON, FL 33487
561-565-5100

November 4, 2025

Sent Via Email

Sara Gutekunst
Coastal Coordinator
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Proposal to Provide Construction Support during the Mid-Town Beach Nourishment Project

Dear Sara:

This proposal is being provided at your request for Coastal Protection Engineering LLC (CPE) to provide construction support during the Mid-Town Beach Nourishment Project. It is our understanding that the project will be constructed under the direction and supervision of the U.S. Army Corps of Engineers (USACE), utilizing the Town's regulatory authorizations. Accordingly, CPE, with the support of our subconsultant Firefly, will assist the Town with professional services related to pre-construction support, public outreach, construction administration support, and project coordination. This proposal is being submitted to act as the Town's agent in providing engineering support, facilitate project coordination with the regulatory agencies and the USACE, advise the parties involved on permit requirements, attend the pre-construction conference and construction progress meetings, perform construction observations, assemble and submit documents required for permit compliance, and prepare the post-construction report required by the projects permits.

The total cost for these services is an estimated, Not-To-Exceed amount of \$196,650.00 and will be performed in accordance with this proposal and the Professional Services Agreement (PSA) 2025-02 between the Town of Palm Beach and CPE dated May 1, 2025. The scope of services is provided in Attachment 1 and the cost summary is provided in Attachment 2. The compensation for services rendered under this proposal will be based on the Rate Schedule of the PSA as estimated in Attachment 2.

Thank you for the opportunity to serve the Town of Palm Beach. If you have any questions, please feel free to contact me directly at 561-756-2535.

Sincerely,

A handwritten signature in black ink, appearing to read 'TP Pierro', with a long horizontal stroke extending to the right.

Thomas P. Pierro, P.E., BC.CE
Principal Engineer
Coastal Protection Engineering LLC
Mobile: 561-756-2535
tpierro@coastalprotectioneng.com

cc: Stacy Buck, CPE
Dylan Nestler, P.E., CPE
Chelsea Ryan, P.E., CPE



Attachment 1 - Scope of Services

Mid-Town Beach Nourishment Construction Phase Services

The Scope of Services described herein is for Coastal Protection Engineering (CPE) to assist the Town of Palm Beach (Town) with professional services related to construction administration support, and project coordination for the federally-authorized Mid-Town Beach Nourishment Project to be constructed by the U.S. Army Corps of Engineers (USACE) with federal funding under the Flood Control and Coastal Emergencies (FCCE) appropriation. In addition to serving as the non-federal sponsor, the Town is providing the state regulatory authorization under the Beach Management Agreement (BMA) and will be obligated to pay for a portion of the project for sand placed on private properties that have not provided the required easements. This proposal is being submitted for CPE to act as the Town's agent in providing engineering support, facilitate project coordination with regulatory agencies and the USACE, advise the parties involved on permit requirements, attend the pre-construction conference and construction progress meetings, perform construction observations, assemble and submit documents required for permit compliance, and prepare the post-construction report required by the projects permits.

Pre-Construction Support and Public Outreach

CPE will support the Town with pre-construction assistance for the Mid-Town Beach Nourishment project for the primary purpose of compliance with the Town's permits. It is assumed that the project will be advertised for bid and administered by the USACE. During the bidding period, CPE will communicate as needed with Town and USACE staff to assist where appropriate as directed by the Town. CPE's assistance may include, but is not limited to, participation in planning meetings via conference call, participation in bidding-related meetings via conference call, assisting with responses to inquiries, and providing technical support during the bidding period. It is assumed that the USACE will lead the bidding process, responses to prospective Contractor/Bidder inquiries, and all meetings. Post-bidding support may include technical reviews for accuracy, completeness, and qualifications from the Town's standpoint.

Additionally, our subconsultant Firefly will be available to provide public communications services to proactively educate and engage residents prior to and during construction of the Mid-Town project. This may include participation in weekly construction meetings for project updates, internal communications/team meetings to discuss relevant messaging to be shared with the public/stakeholders, communications with and attendance at Shore Protection Board meetings, and attendance at Town Council meetings, if requested.

Construction Observations and Permit Compliance

CPE will assist the Town with technical assistance during construction and site visits to observe and document the project construction activities and provide permit compliance support. CPE will attend one (1) pre-construction meeting and weekly progress meetings to discuss the project during an estimated 8 to 12-week construction (mobilization, dredge and fill, demobilization) schedule. The effort described includes time to attend progress meetings, coordinate with Town staff, and prepare observation reports



as directed by the Town. It is assumed that progress meetings will be held virtually or onsite, concurrent with the construction site visits.

CPE will be available to provide site observations during project construction at a schedule that meets the Town's needs. It is anticipated that this will include daily site visits, up to seven (7) days a week during construction with an estimated (8) hours of assistance per day. It is understood that the schedule will be variable based on the construction progress and day-to-day activities such that some days require longer attendance, and other days require less or none at all (i.e., weather/equipment shutdowns). Construction observations will be conducted to assess if construction is proceeding substantially in compliance with the plans and specifications, and in compliance with permitting and approval restrictions and permit authorizations granted for the work.

We will coordinate with the USACE, as directed by the Town, through completion of the beach nourishment project on issues that fall under the USACE's responsibility as the contracting entity. Issues that arise will be brought to the attention of the USACE's site representative, construction project manager, and/or contracting officer depending on the issue at hand. Office engineering support will also be provided for the project, including review of shop drawings and technical interpretation/clarification of the plans and specifications (including permit conditions) upon request by the Town, USACE, or Contractor.

CPE will review daily quality control reports and other submittals submitted by the Contractor for compliance with the permits to the extent allowed by the USACE. CPE will also be available to review applications for payment on behalf of the Town and assist with payment recommendations if needed. Payment recommendations will be based on submittals provided by the Contractor, coordination with the USACE, and construction observations by CPE.

Construction Completion and Post-Construction Engineering Report

After construction is complete and the contractor has demobilized from the site, the USACE will provide a written statement of completion and certification for regulatory compliance. This certification will state whether the project was constructed in substantial compliance with the plans and specifications. CPE will review this certification based on the extent of CPE's involvement in construction progress, contract directives by the USACE, and knowledge obtained from our observations. If required as part of the project certification documents, CPE will develop a Project Completion Report to include a summary of the work performed along with a compilation of the pertinent correspondence and reports.

As the non-federal sponsor, the Town will be required to complete a post-construction engineering report that CPE will prepare following construction for compliance with regulatory permits and project documents. We will obtain the physical monitoring data from the USACE and develop and submit the post-construction engineering report and monitoring data to the Town and the FDEP following completion of the post-construction survey, as required by the permit. The timing of this work will be dependent upon the USACE's acquisition of post-construction surveys and be subject to their internal quality control reviews and procedures. CPE will commence work on the engineering analysis and monitoring report upon



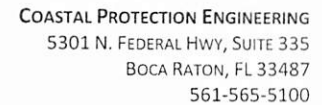
receipt of the final data from the USACE. If an extension is needed from the State due to the timing of data delivery, CPE will request a reasonable extension of time from the Florida Department of Environmental Protection on the Town's behalf and complete the report within the allotted time.

The engineering monitoring report will summarize and discuss the pre- and post-construction survey data, and determine the volume placed within the construction templates to document the beach nourishment construction effort. Appendices will include plots of the survey profiles, and the report will include graphical representations of preconstruction and post-construction volumetric and shoreline position changes for the monitoring area. Results will be analyzed for patterns, trends, and changes between pre/post-construction surveys and provide a basis for future annual monitoring.

Assumptions

This proposal has been developed based on an estimated 8 to 12-week construction schedule. It also assumes that there will be a month of set-up (mobilization) and close-out (demobilization) work with limited or no equipment on the beach. Permit requirements will require notification of various agencies of project kick-off and completion. CPE will coordinate with the Town, USACE, and agencies to provide the required notifications of project commencement and completion for compliance with the permits to the extent that the USACE construction staff and contracting team allow.

Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our full staff and subconsultant will be available and used as needed to achieve the scope of services and to meet the Town's objectives and timelines within the task budget. Should the Town desire additional services beyond this scope, CPE will be available to discuss adjustments as appropriate.



Town of Palm Beach
Mid-Town Beach Nourishment
Construction Administration and Support

Mid-Town Beach Nourishment Construction Administration	LABOR							
	Principal Engineer Hours	Coastal Engineer III Hours	Coastal Engineer II Hours	Coastal Engineer I Hours	Senior Marine Biologist Hours	Jr. Coastal Scientist Hours	CAD/GIS Operator Hours	Subconsultant Firefly
Construction Administration Pre-Construction Support and Public Outreach Construction Observations and Permit Compliance Report	16 80 12	20 256 48	20 240 12	16 240 8	24 24 24	8 6	4	\$ 20,000.00
TOTAL RATE COST	\$ 108,295.00 \$ 31,860.00	\$ 324,165.00 \$ 53,460.00	\$ 272,145.00 \$ 39,440.00	\$ 264,130.00 \$ 34,320.00	\$ 72,190.00 \$ 13,680.00	\$ 14,105.00 \$ 1,470.00	\$ 4,105.00	\$ 20,000.00 \$ 1.10 \$ 22,000.00
Labor SUBCONSULTANT TOTAL	\$ 174,650.00 \$ 22,000.00 \$ 196,650.00							

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Robert Miracle, CPA Deputy Town Manager, Finance and Administration
Kirk W. Blouin, Town Manager

From: Dean Mealy, II NIGP-CPP, CPPO, FCCM Town Procurement and Contract
Division Director

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach
County, Florida, approving the award of RFP No. 2025-026, Insurance Broker
and Actuarial Services to Alliant Insurance Services, Inc. in the amount of
\$72,000 and establishing a five-year award in the amount of \$378,000 based on
satisfactory performance and annual budget authorization.
167-2025

Date: 11/25/2025

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 167-2025, approving the award of RFP No. 2025-026, Insurance Broker and Actuarial Services to Alliant Insurance Services, Inc. in the amount of \$72,000 and establishing a five-year award in the amount of \$378,000 based on satisfactory performance and annual budget authorization.

SUMMARY EXPLANATION/BACKGROUND

Town Procurement and Contract Management issued an RFP for Insurance Broker and Actuarial Services as the current award for services had exceeded the five-year established period for a contract.

The Town received five submissions from the following firms:

- Alliant Insurance Services, Inc.
- FBMC Benefits Management
- GBGM Consulting
- Gehring Group, Inc./Risk Strategies Company (incumbent)
- USI Insurance Services

The Selection Committee consisted of the following members:

<u>Voting</u>	<u>Non-Voting</u>
Bob Miracle	Jody Justice
Gillian Barth	Tshaye Delgado
Julie Parham	Levin Parras
	Duke Basha and Carlos Santana (facilitators)

The Town conducted in-person interviews for each of the firms. Alliant Insurance Services was ranked as the number one firm by the Selection Committee. Before making a final recommendation for award, the Selection Committee requested additional details to the following points:

- Confirm your ability to help leverage the market to ensure cost containment/deduction
- We asked for expanded detail on their approach to strategic planning.
- Detail on their experience with the Vista Platform and their recommendations for our approach and implementation.

Alliant Insurance Services provided a detailed response to these questions which expanded upon their technical proposal which is also attached. After review of all backup and subsequent meetings, it was determined to make a final recommendation recommending Alliant Insurance Services.

FUNDING/FISCAL IMPACT

This project will be funded by the Health Fund.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Sound Fiscal Management

FUNDING

Operating

RESOLUTION NO. 167-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF RFP NO. 2025-026, INSURANCE BROKER AND ACTUARIAL SERVICES TO ALLIANT INSURANCE SERVICES, INC. IN THE AMOUNT OF \$72,000 AND ESTABLISHING A FIVE-YEAR AWARD IN THE AMOUNT OF \$378,000 BASED ON SATISFACTORY PERFORMANCE AND ANNUAL BUDGET AUTHORIZATION.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 167-2025, approving the award of RFP No. 2025-026, Insurance Broker and Actuarial Services to Alliant Insurance Services, Inc. in the amount of \$72,000 and establishing a five-year award in the amount of \$378,000 based on satisfactory performance and annual budget authorization.

Section 2: The Town Manager or his designee is hereby authorized to execute the contract and purchase orders on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on 9th day of December 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

Town of Palm Beach - Follow Up Responses

Confirm your ability to help leverage the market to ensure cost containment/deduction.

The focus on cost-containment and cost-reduction really can be broken down into two initial components. The first is to identify the areas of opportunity within the current program. The second is to bring in new vendors/solutions, where needed, leveraging Alliant's national experience and size. From that point, our strategic plan will incorporate regular monitoring to help align vendor interests with the interests of the Town's benefit plan.

Alliant is currently a top-5 national consulting firm and maintains a steady focus on innovations coming forward to help health plans control costs. This expertise will be on display throughout our consulting relationship. Additionally, the consulting team assigned to your account is 100% public sector dedicated. This focus allows us to build relationships in the market with vendors tailored to meet the needs of public entities.

With the proposed solutions that our team has implemented with our public sector clients, we have achieved significant cost savings

Overall, the outcomes of these cost containment measures have been highly successful, resulting in millions of dollars in plan spend savings with minimal disruption to members.

Here are a few areas in which Alliant will help leverage the market to find solutions for the Town of Palm Beach.

Vendor Procurement: Alliant currently maintains relationships with all benefit vendors that would respond to a Town of Palm Beach procurement. The majority of these vendors are national in scope and have a long history of working with our consulting team. Our team remains 100% carrier agnostics but our history with each vendor will be extremely helpful when working through contract and pricing negotiations. Additionally, our national team is regularly scanning the market for new vendors, evaluating their services, and advising clients on their capabilities. Procurement activity will vary based on the current need. Once initial needs are assessed, we will build out a 5-year plan that has timelines for future procurements and affords the team any needed time prior to decisions being made each year. If procurements are needed immediately, our team would begin working with the procurement and benefits team right away. Part of our strategic planning process would be to identify new vendors or replace existing ones, ensuring they align with the Town's strategic goals. We have extensive experience working within the rules and guidelines of your procurement department. We would coordinate with them and the Benefits team to provide support in

crafting the RFP for the needed solution. We would support every step, as needed, to ensure that a fair and competitive procurement takes place.

Collective Purchasing Opportunities: At Alliant we have many national purchasing cooperatives that we have evaluated and work with regularly. Collective purchasing is a very unique strategy that can be leveraged in the public sector. We have had many clients purchase benefit-related programs through collective contracts, some of which our team has been instrumental in helping them to procure. While your program is a large health plan, we would look to harness the full power of public sector purchasing through bringing innovative programs for consideration.

Implementation & Ongoing Monitoring: The implementation process can be complex and leveraging carrier relationships to ensure timely results is critical. In order to achieve this it can require a team with a long history and deep vendor experience. This process involves jointly finalizing the selection and the onboarding of new and existing solutions. We onboard and finalize all carrier contracts and financial arrangements. It also includes measuring enrollment success and establishing governance protocols for overseeing vendor performance. Continuous monitoring is integral to this stage, allowing us to make necessary adjustments and ensure the strategic plan's success. Progress will be closely tracked, and results will be discussed during regular meetings to ensure goals are being met and to plan for any future adjustments.

Trust but verify: Alliant's consulting team diligently monitors the results of cost containment measures throughout the year. Our analysis involves a comprehensive review of outcomes on a monthly basis, comparing actual savings to projected savings. This continuous monitoring ensures that we can promptly identify any deviations from expected results and make necessary adjustments to stay on track.

Overall, the outcomes of these cost containment measures have been highly successful, resulting in millions of dollars in plan spend savings with minimal disruption to members. This success is a testament to the effectiveness of our strategic planning, detailed analysis, and proactive approach to managing and optimizing benefit programs. One of our first steps will be to assess your program and determine the best areas to apply our market leverage.

Please expand on your approach for strategic planning.

Our developmental plan for the effective management of the Town of Palm Beach's benefits-related policies includes a comprehensive and iterative strategic planning process, ensuring alignment with your team's core values and business plans. The outline below includes a general path forward, but we would work closely with your team to dive deeper into your data and would plan to update and hone our direction based on your needs.

Here is an overview of our recommended approach:

- **Discovery:** With this being a new relationship, for both parties, our team would start by immersing ourselves in the history of your benefit program. Initially, we will conduct a thorough discovery process to gain an in-depth understanding of your philosophy, objectives, and overall goals. This will involve analyzing historical claim data to identify trends, understanding the health demographics of the population, and pinpointing any gaps in the current benefit delivery model. This foundational step sets the stage for a strategic plan that accounts for prior activities and results. This step includes reviews such as:
 - Review the last 3-5 years of claims utilization, identifying key trends and the historical decisions made to address those trends.
 - Evaluate utilization metrics across point solutions, wellness, and carrier provided programs educating our teams on ROI metrics and overall performance.
- **High-Cost Claimant Deep Dive:** While it is critical to build programs that are holistic, large claimants typically drive the most immediate attention when it comes to cost-containment opportunities. Our team will evaluate the categories that have driven and are currently driving the high-cost claimants within your health plan. We will bring in our clinical team to evaluate current high-cost claimants and better understand how we can develop proactive measures to control their spend while supporting the members dealing with these serious medical challenges.
- **Vendor Contract Audits:** Our team would do a deep dive into your Cigna administrative services agreement, PBM contract, and the contracts for your other non-health plan vendors, i.e. dental, vision, point solutions. We will run your current language against our database to identify improvement opportunities or confirm contract strength.

- **Reinsurance Program Review:** Our team will review the current re-insurance contracts to ensure it includes the best-in-class language and all available reinsurance programs currently available in the marketplace. We would engage Alliant's Stop Loss Center of Excellence to confirm you receive a best-in-class contract terms, along with ensuring that all additional support programs that are available have been included.
- **Review Past Procurements:** Review all procurement analysis for the past 3 years and for any vendors currently in force. This will allow us to understand the commitments made as we start building out vendor performance metric tracking. Additionally, we will educate ourselves on the typical decision timeline and lessons learned by your team from past procurements. If there are additional program areas that you have reviewed in the past that you would like to revisit, we would build a plan to address that need.
- **Catalog Vendor Performance Guarantees:** Any enormous component of the vendors the Town of Palm Beach plan chooses to partner with will be the financial guarantees that each vendor makes. Our team will study each guarantee currently in place and build an ongoing tracking program for performance against these guarantees.
- **Historical Plan Design decisions:** Review all past plan design recommendations and implementations. If certain recommendations were implemented, we would review the history of success or failure that came with those decisions. Additionally, we will review the most recent plan design changes that were made and support tracking of plan performance against those decisions.
- **Member Survey Results/Communications:** Our team will review copies of all past surveys to understand the frequency with which you like to communicate to members as well as which methods have historically been the most successful. We will review all current materials and understand from your communications team which areas you would like to update. From there, we would dive into key challenges within your utilization/engagement and use our team's experience to make recommendations for future communications.
- **Strategy & Planning Roadmap:** Now that our team has been fully educated on your current plans, we would begin to focus on attacking the most urgent healthcare challenges first. In each area, we have made initial suggestions that can be updated based on our discovery process. As we become more familiar with your program, and you share your needs with our team, we would further develop a strategic path forward. This will be built into a
- **Provider Network:** One of the primary ways you can impact costs is through the provider network that you currently utilize. Our team will evaluate the performance of the Cigna network focusing on the provider groups that have historically been high cost-areas of spend for the plan. We will utilize our Machine-Readable File (MRF) data analysis to compare current pricing within the highest utilized providers to confirm

where these negotiated rates line up in your market. We also utilize our UDS discount analysis tool to evaluate alternative carrier networks that could be considered for future cost-savings.

- **Plan Design & Incentives:** As your consultant we would have a host of plan design changes and member incentives that traditionally can move the needle when it comes to your healthcare spending. However, when working with town employees and retirees, we fully understand the value of robust plan designs and the commitments that have been made to these members. As a result, we take member disruption and impact extremely seriously. This is why Alliant developed our Medical Plan Optimizer analysis. Through our discovery process, mentioned above, our team would run an unlimited number of potential plan design or member incentive programs. We would set up the Medical Plan Optimizer and begin modeling potential cost savings measures for future consideration measured against employee disruption for each option.
- **Wellbeing / Point Solutions:** The Town of Palm Beach health plan has been very aggressive in its willingness to implement point solution vendors to help members with health concerns. We applaud these efforts but also understand it requires a serious investment that must come with a ROI to the health plan. As a result, we would review each of these programs:
 - **Coordination Strategy:** In our team's experience, one of the most important components of launching multiple point solutions is how these vendors coordinate with each other. The number of solutions is robust and impactful should members choose to engage in but historically we have found that when many solutions are offered, it can be overwhelming to members unless there is a strong coordination strategy. We would seek more collaboration between programs and push those vendors to work with each other to simplify engagement. Additionally, when new programs are launched, we would look to work closely with your point solution vendors to drive campaigns that maximize engagement.
 - **New Categories:** Our consulting team will evaluate the cost drivers that are negatively impacting health plan performance and cross-reference those with our experience across the point solution spectrum. If that data is brought forward to us, our team would look to focus on the population and providers driving that issue. From there, we would bring forward our full database of solutions, whether that be carrier or point solution driven. Our job is to proactively identify challenges but also recommend solutions once identified.
 - **Engagement Triggers:** Across all points of solution vendors, it is critical to understand the data they are using to engage with a member. Point solution vendors have varying levels of data they use to make member outreach. Many are utilizing medical claims data, which is often lagged. There are an

increasing number of providers that have begun to shift their focus to Rx data as their engagement trigger. We would recommend evaluating several of these vendors as their interactions are often quicker and due to the rising cost of specialty Rx can have a positive impact on your health plan. Regardless, each engagement trigger will be understood, and its success will be measured.

- **Measurement Protocols:** It is critical that the group manages measurement protocols effectively to ensure these solutions are delivering the intended results. This includes establishing clear metrics and KPIs from the outset, conducting regular performance reviews, and making adjustments where necessary to optimize outcomes. By continuously evaluating the success of various programs and initiatives, we can ensure alignment with overall objectives and make data-driven decisions to enhance future benefits-related policies.
- **Benchmarking, Design, and Analysis:** Having pulled in your data into our analysis, we would begin to identify trends that do not align with Alliant book of business results. From this analysis, we would call out key areas of concern that can be addressed to proactively impact future challenges. This benchmarking will be run against both historical utilization and current plan design. We will also look to benchmark your benefit programs against your local peer groups i.e. municipalities and counties. These are often who you are competing with for talent and these findings will help inform our future strategic decisions.
- **Strategic Roadmap:** While it is important to give initial recommendations, it is equally important to track and measure the solutions that are approved. We would build a rigorous tracking program that would allow us to regularly track our progress against program goals. This will allow us to report back on the effectiveness of our selected solutions with the confidence that our analysis stays within agreed upon program metrics. Once our tracker is built out, we will create a detailed strategic roadmap that spans 3 to 5 years. This roadmap will prioritize various strategic initiatives and include performance dashboards and metrics to measure and track success. This stage ensures there is a clear and actionable plan to follow, with defined objectives and key performance indicators.

This detailed and methodical approach ensures that Town of Palm Beach's benefits-related policies are managed effectively, focusing on controlling costs while maintaining a competitive benefit design. This comprehensive strategy is by no means set in stone, but based on our experience it aims to maintain cost efficiency, ensure compliance, and continuously improve employee satisfaction with their benefits. Each section is crafted to build upon the great work already being done by your team, ensuring a cohesive and strategic approach to benefits management

Experience with the Vista platform and your recommendations for our approach and implementation

Our team has deep experience across the majority of benefit administration and ERP platforms, including Vista. From our conversations, it appears that the Town is currently considering opening up the benefits module inside of the Vista ERP. If this is the decision that is made, our team could support communications to employees and work with benefit carriers to ensure that EDI/API connections are established with the new system. It is also our understanding that the Town currently utilizes Benetek for benefit administration system support. The transition from Benetek to the new system will require a diligent extract from the Benetek system to ensure that no data is lost. Our team can also work with the HR/Benefits team to ensure the proper requests are made. Should the Vista system prove to not be the system that the Town needs, our team can work with the Town to implement an alternative no-cost system through Employee Navigator or a Selerix based system. You will find that we are system agnostic but here to help!

Onsite Support

It is confirmed that Alliant will have onsite representation for the following meetings:

- Bi-monthly wellness program reviews/discussions
- Semi-annual reviews with the Medical TPA
- Annual internal strategic meeting

In addition, our team will work closely with the HR and Benefits team to address all service needs in a timely manner. Our team is open to additional in-person meetings but can confirm attendance at those listed above. The meeting list was provided by the Town of Beach HR team.



Town of Palm Beach

RFP No. 2025-026 - Insurance Broker and Actuarial Services

Alliant Insurance Services, Inc. (Alliant)

Submitted by:

Tammi Starkey

Senior Vice President, Consultant

404-967-1955

Tammi.Starkey@alliant.com

Tim Brown

Senior Vice President, Consultant

713-820-0909

Tim.Brown@alliant.com

Servicing Office: 1 N. Clematis St, Suite 305, West Palm Beach, FL 33401





Confidentiality and Disclosure Notices

CONFIDENTIALITY

The information contained in this proposal, including the Exhibits, is the confidential and proprietary information of Alliant Insurance Services, Inc. (Alliant) and is protected by trade secret and other applicable laws. The recipient of this proposal agrees that this information will only be used in connection with the review and consideration of this proposal and may not be copied or shared with any other person or entity other than the recipient. If the recipient is requested, whether by subpoena, court order, public records or freedom of information request, to disclose any part of this proposal, the recipient shall promptly notify Alliant of such request, prior to any disclosure, so that Alliant can, at its option, take steps to protect the confidential and proprietary information contained in this proposal. The breach of this confidentiality obligation may result in irreparable harm to Alliant and, as such, the recipient acknowledges and agrees that Alliant shall be entitled to pursue all available legal and equitable remedies, including injunctive relief, without the requirement to post a bond, in the event of a breach.

DISCLAIMERS AND DISCLOSURES

Changes in Services: If Client requests a change in Services or if changes in Client's size, operations, or organization require a change in the scope and/or nature of the Services and/or Plans, the compensation described in this RFP response will be adjusted accordingly.

Transparency and Disclosure: Upon Client's reasonable request, Alliant will disclose Commissions it receives, where possible, in connection with any insurance placements on behalf of Client under Alliant's "Transparency and Disclosure" policy, a copy of which is made available upon request. Pursuant to its policy, Alliant will conduct business in conformance with all applicable insurance regulations and in advancement of the best interests of its clients. In addition, Alliant's conflict of interest policy precludes it from accepting any form of broker incentives that would result in business being placed with carriers in conflict with the interests of Alliant's clients.

Services Included in Cost of Premium: In addition to the compensation described in this RFP response, Alliant and/or its related entities may receive additional compensation for underwriting, program administration, and other services that are (a) provided to either Client or the insurance carrier, (b) not contracted for directly by Client, and (c) outside the Scope of Services. This additional compensation, if any, will be included in the cost of the premium Client pays to the carrier and accordingly, will create no additional cost for Client. Notwithstanding this paragraph, any services contracted for directly by Client may be subject to additional costs.

Indirect Income: With exception, Alliant may also receive income because of a contingent or supplemental income agreement with the insurance carriers. Client may opt-out of having its premiums included in the calculation of indirect income by accessing the "opt-out" form from the link on Alliant's website: <http://www.alliant.com/Legal-Notices/Pages/Disclosure-Policy.aspx>. The parties acknowledge that indirect income, if any, is determined by insurance carriers, and if the Client does not opt-out, it remains the carriers' exclusive decision to include or exclude certain premiums in any calculation. The availability of information regarding the make-up of any indirect income payment is at the carrier's discretion.



Cover Letter

August 21, 2025

Town of Palm Beach
Procurement and Contracts Management Agent
951 Okeechobee Road, Suite D
West Palm Beach, FL 33401

On behalf of Alliant, I am pleased to submit our response to the Town of Palm Beach's RFP for Insurance Broker and Actuarial Services. We are excited about the opportunity to partner with the Town in supporting your commitment to excellence, innovation, and high-quality employee benefit programs.

Our team brings extensive experience in public sector employee benefits consulting, including self-funded health and dental plans, OPEB planning, and comprehensive actuarial services. We understand the importance of aligning our services with the Town's values of integrity, collaboration, and community engagement. By leveraging our proven methodologies, strategic insights, and commitment to transparent communication, we are confident in our ability to deliver measurable value and actionable recommendations that support the Town's long-term objectives.

We are fully prepared to provide the requested services relevant to the RFP, e.g., actuarial valuations, long-term financial forecasts, wellness program support, and Council representation, and to work collaboratively to ensure the successful execution of all deliverables.

Thank you for the opportunity to respond to this RFP. We look forward to the possibility of contributing to the Town of Palm Beach's ongoing success and would welcome the opportunity to discuss our proposal in further detail.

Sincerely,

Tammi Starkey
Senior Vice President
Tammi.Starkey@alliant.com

Tim Brown
Senior Vice President
Tim.Brown@alliant.com



DETAILED TECHNICAL PROPOSAL

Understanding of Town needs

CULTURAL ALIGNMENT

Before we jump into our strategic planning process (which is outlined below), we believe it is important to highlight the strong cultural alignment between the Town and Alliant Insurance Services. At Alliant, the process of getting to know our clients ***begins from within*** by understanding our own values and leading with authenticity. Both of our organizations share a commitment to attracting and retaining top talent, delivering innovative solutions, and investing in a versatile suite of products and a multi-faceted workforce. This alignment forms the foundation of a long-standing partnership and will be reflected in how we communicate, collaborate, and manage your benefits program. It is not just where we begin, it is how we build lasting success together.

GETTING TO KNOW THE TOWN

In getting to know the Town, it is clear your culture is rooted in excellence, ethical conduct, community engagement and employee advocacy.

Before offering recommendations, we believe it is essential to first understand your goals, values, and what success looks like for your team. That understanding will be the foundation of our partnership.

Within the first 30-45 days we strive to complete our “New Client Intake Process” which includes:

- Process BOR and conduct introductory/background calls with all vendors
- Conduct a new client kick-off meeting to review roles, contacts, objectives, strategy overview, solutions in place etc.
- Execute data request with you and all vendors
- Schedule future client meetings and detailed 12-month calendar
- Conduct compliance review
- Establish strategic plan and identity near term and long-term goals

While the first 30-45 days would be focused on obtaining the needed transition data, we would review the annual timeline and be prepared to jump right in with strategy, renewal, bid and pricing activities, as needed. We are prepared to start working with you now.

Part of the onboarding process will be to work with the appropriate stakeholders to refine



your employee benefit strategy, so it aligns perfectly with your core values. We want you to attract and retain the best talent - and benefits are a key part of that strategy. We view this strategic planning process as an iterative process.

The process will be led by your core consulting team with input from subject matter experts on your account team, representing each of their specialty disciplines.

We need all stakeholders at the table. We will listen to your current strategy, respectfully challenge where appropriate, and begin to share and consider some alternative pathways. Among the questions we address include the following:

- Where do you want to be benchmarked, and who are your real competitors for talent?
- Where do gaps exist in the current benefit delivery model?
Which groups within your company are most impacted?
- Are there opportunities for cost savings?
- What are the potential risks (i.e., compliance)?
- How will administration be handled?
- What are your administrative & enrollment requirements?
- Are there additional costs that factor into the overall recommendation?

We have a very thorough and robust approach to project management, and it starts immediately with our initial kick-off meeting. We will build and manage an annual strategic plan and benefit calendar that is custom tailored to your plans and business processes. We would expect to develop the annual strategic plan in collaboration with the team and modify as needed upon a strategy review identifying the major initiatives for the year.

The annual strategic plan contains all key deliverables and milestones and typically also includes hundreds of scheduled tasks to ensure that all areas of benefit plan management are covered, and important strategic and compliance deadlines are met. The strategic plan includes specific activities in several areas including strategic goal development, renewal planning, renewal delivery and financial modeling, open enrollment and communications, documentation development and delivery, and compliance.

As part of the strategic annual plan, the Alliant team will create and fulfill a multi-tiered project plan and client meeting schedule with you to ensure a consistent and systematic approach to collaboration, status updates, and measuring success. This schedule includes:

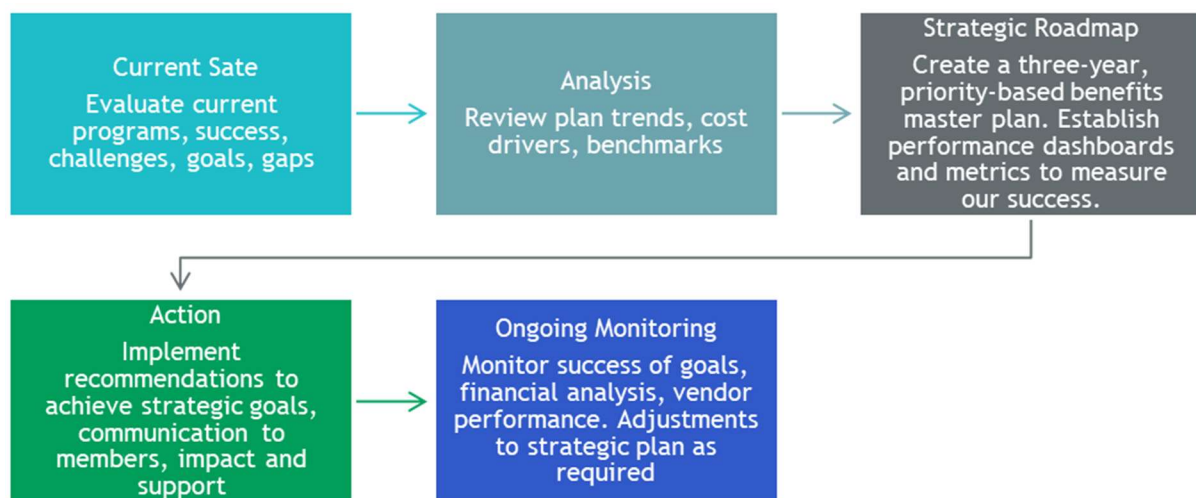
- Weekly, bi-weekly, or monthly (as needed) Project Plan status calls
- Formal meetings as they pertain to milestone events (e.g., annual plan renewals and Open Enrollment)



- Ad hoc meetings requested by you, or Alliant as needed.
- An annual stewardship meeting to review program performance over the previous plan year, address any open issues, and to validate and/or adjust the strategic plan for the upcoming plan year.

We utilize the project plan for all meetings, take minutes, and maintain a living project plan tracking document, so there is always an up-to-date record of the issues discussed, any agreed-to follow-up actions, and the parties responsible for those actions.

In addition, Alliant's account management is always available to respond to individual questions or requests from you (via phone, email, or text) throughout the plan year.



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The ability to satisfactorily convey, via the completeness and responsiveness of their Proposal, a depth of understanding of the Scope of Work and the firm's capacity to accomplish it successfully.

Alliant acknowledges and agrees to the scope of work requested in this RFP. We demonstrate understanding of the work required by our list of standard services presented in our Scope of Work attachment. In addition, our service philosophy, Clients First, highlights our commitment to begin work and maintain deliverables in a timely manner. Your Alliant Service team will engage with task logs, regular updates, and connection meetings.

Approach to Project and Methodology

Alliant has an established transition process, which we have successfully applied for thousands of new engagements.



Cooperation from the incumbent broker is helpful in streamlining and accelerating the transition process. However, because there is no guarantee of cooperation, Alliant is fully prepared to provide a smooth transition without direct support from the broker we replace.

The following is an overview of the key steps in our standard transition process:

- Deliver broker of record letters for Alliant to all current carriers and vendors of Town of Palm Beach.
- Formally assign our proposed account team members and review their individual functions and responsibilities with the Town, so they are in place at the start of the transition period.
- Prepare a transition timeline that we share and review with the Town and follow throughout the transition process.
- Acquire all transactional data from carriers, vendors, and/or the Town. For example: corporate structure information, current plan documentation (contracts, certifications, SPDs), census, claims data from the past three years, required authorizations, carrier renewal and reporting packages, plan member/dependent eligibility rules, and compliance status. We find that most of the necessary transition data and reports can be obtained from your insurance providers, which reduces demand on your time and helps makes the transition as smooth as possible.
- Identify and contact all stakeholders in the benefits program. The purpose of reaching out to stakeholders is more than informational. Alliant wants to establish strong working relationships with all parties invested in your benefits program. We anticipate your stakeholders will include:
 - Key leaders and department heads
 - HR/benefits team management
 - Finance team management
 - Carrier/vendor contacts
- Any other party either identified by the Town or, upon discovery, recommended by Alliant and subsequently approved
- Conduct initial strategic planning meetings. The goal is to agree on and begin to set priorities as to which initiatives to reduce costs and improving program performance will be most productive to pursue. These decisions will inform the financial analysis and cost contribution modeling services provided by Alliant, but will also take into account specific information, feedback, and direction from the Town.
- Establish roles and responsibilities for all benefits stakeholders participating in development and implementation of the strategic plan. We ultimately document and circulate this information, which will help your stakeholders and Alliant meet all obligations and deadlines.

In general, completion of all the above steps takes from 45 to 60 days. However, please note that (1) Alliant is willing and prepared to accelerate this process, if requested by the Town, and (2) under any circumstance, Alliant assumes full responsibility as the Town's consultant/broker starting Day 1 as specified in our executed service agreement.

Also, please note that involvement of your HR department would consist primarily of obtaining and providing plan information (both current and, in some cases, historical) and being available to meet with Alliant's account team leaders and answer questions. We see our function, in large part, as being an extension of your HR department. This relationship begins with our being respectful of the time of your busy staff, but also by our acting proactively to reduce the amount of time HR has to spend on transactional and administrative tasks related to benefits.

Technical Soundness of the proposal

Our approach reflects best practices in employee benefits consulting, including thorough plan and funding analysis, compliance review, and strategic negotiation of renewals. We leverage a team of highly experienced consultants, to ensure that all recommendations are accurate, actionable, and sustainable. Each element of our proposal is designed to deliver reliable, compliant, and cost-effective solutions tailored to the Town's needs.

Applicability of the services offered

Alliant has over 1,000 public entity clients, including many cities, counties, special districts, community college districts, and K-12 public schools. Alliant's expertise in the public entity sector is unmatched by any other organization in our proven track record and consistent effort to raise the bar for our clients. We continuously work to develop plans and products to help public agencies reduce costs, support employees, and maintain benefits.

Alliant Insurance Services


Alliant Public Sector Team

 Pharmacists	 Public Sector service team	Serve over 10,000 public agencies	 More PE experience than any other firm
 Compliance Attorneys	 Benchmark top Public Agencies every year	 Medical Directors & Wellness Consultants	 Actuaries and Underwriters
			 Dedicated to Public Sector Solutions



Our team has developed several unique capabilities to service public entity clients, such as:

- Public Sector Pharmacy Collective
- Public Sector Stop Loss Captive
- Dedicated Public Sector Compliance Team
- Comprehensive municipal benchmark report
- Telemental Health and EAP Coop
- No Cost Enrollment System
- Benefit Advocate Services
- In house actuarial team
- Benefit Advocacy Center
- Data Warehouse Included

We will be your strategic partner and execute on the tactical deliverables:

- **Best of Both Worlds:** Alliant is a large, 14,000+ employee firm, but we are proud to be employee-owned. This means we work for our clients—not Wall Street.
- **Multi-Year Strategic Plan:** Alliant takes a proactive, thoughtful, data-driven approach in working with our clients. Alliant will work to develop a multi-year strategic plan to ensure that you are well-equipped to proactively anticipate change.
- **Cost Management and Stability:** Our understanding of the culture, finances, mission, and challenges facing public entities makes us uniquely positioned to best serve their benefits needs.
- **Proprietary Programs:** There are many firms that can design a benefit plan, underwrite a risk, and set contributions. But when it comes to unique solutions and proprietary programs for public sector employers, Alliant is years ahead of the competition. As an Alliant client, Town of Palm Beach will have access to innovative programs that leverage buying power specifically for public sector organizations.

We will partner with Town of Palm Beach to meet the goal of providing the highest level of customer service to your employees. Our tools and resources for employee education on their benefits are robust and will provide each employee with solutions tailored to their needs.

Meeting the Town's operational requirements

We are fully prepared to meet the Town's operational requirements through a comprehensive service model that includes:

- Performing any tasks reasonably associated with the required services upon request.



- Maintaining capacity to deliver services to professional standards and within established deadlines, supported by strategic planning and a detailed implementation timeline.
- Being available to meet with Benefits staff and Town of Palm Beach Council as needed, with regular meetings and flexible scheduling.
- Providing a dedicated, highly responsive service team led by experienced leadership, ensuring availability via phone, text, or email at any time throughout the plan year.
- Assisting the District throughout the plan year as service issues arise, including contract administration, benefits coverage, billing, and claims disputes, with a commitment to timely resolution and proactive communication.
- Maintaining active, ongoing relationships with the Town's service vendors to ensure smooth operations and prompt review and resolution of benefit and claims administration issues, including structured partnership meetings and vendor performance monitoring.
- Making regularly scheduled visits to work with staff to solve problems and assist with benefit administration, providing hands-on support and expert guidance.
- Holding an annual planning meeting prior to the new calendar year to plan major projects and priorities, presenting to Council, and coordinating an annual vendor summit to align strategies and drive continuous improvement.
- Our approach is proactive, collaborative, and tailored to ensure the Town's operational requirements are consistently met and exceeded.



AIA CORE REPORT

The Alliant Interactive Analytics (AIA) reporting tools provide financial, clinical and productivity metrics and insights for health plan performance and employee benefits program management

Demo Group

Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

For questions or concerns regarding AIA reporting please contact us at NEBAanalytics@alliant.com.

AIA Version 4.0.0

Johns' Hopkins ACG version 13.0

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EXECUTIVE SUMMARY OVERVIEW

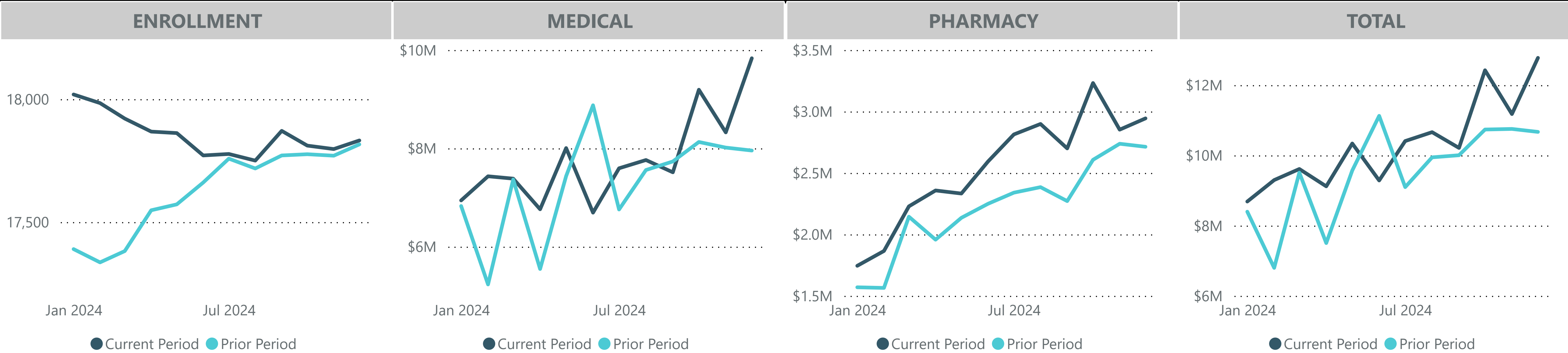
Key findings and overview for the enrollment, medical and pharmacy plans



Demo Group

Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023



AVERAGE		SUMMARY		SUMMARY		TOTAL SUMMARY	
17.9K	17.6K	\$93.4M	\$87.4M	\$30.6M	\$26.7M	\$124.0M	\$114.1M
CURRENT PERIOD	PRIOR PERIOD	CURRENT PERIOD	PRIOR PERIOD	CURRENT PERIOD	PRIOR PERIOD	CURRENT PERIOD	PRIOR PERIOD
+ 230	+ 1.3%	+ \$6,003,549	+ 6.9%	+ \$3,888,238	+ 14.6%	+ \$9,891,788	+ 8.7%
CHANGE OVER PRIOR	% CHANGE	CHANGE OVER PRIOR	% CHANGE	CHANGE OVER PRIOR	% CHANGE	CHANGE OVER PRIOR	% CHANGE

COMPARISON OPTIONS

☒ Current Period

☐ Prior Period

☐ PEPM

☐ PEPY

☒ PMPM

☐ PMPY

\$436	\$458	\$143	\$170	\$579	\$629
SELECTED PERIOD	ALLIANT AVERAGE	SELECTED PERIOD	ALLIANT AVERAGE	SELECTED PERIOD	ALLIANT AVERAGE
- \$22.34	- 4.9%	- \$27.7	- 16.3%	- \$50.03	- 8.0%
\$ DIFF. VS AVERAGE	% DIFF. VS AVERAGE	\$ DIFF. VS AVERAGE	% DIFF. VS AVERAGE	\$ DIFF. VS AVERAGE	% DIFF. VS AVERAGE

ENROLLMENT OVERVIEW

Overview of enrollment by dynamic filtering



Demo Group

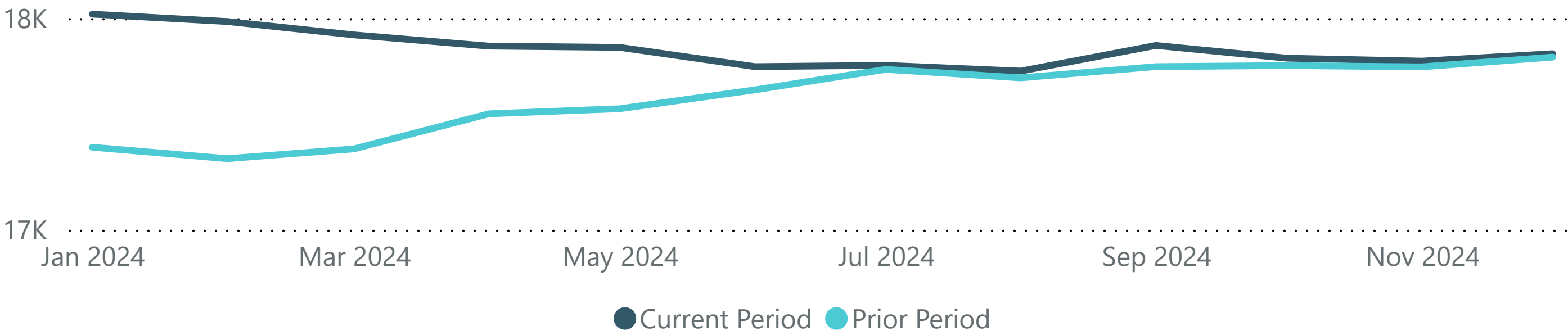
Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

ENROLLMENT BY RELATIONSHIP

EMPLOYEES	SPOUSES	DEPENDENT
10,025 CURRENT PERIOD	2,784 CURRENT PERIOD	5,045 CURRENT PERIOD
9,710 PRIOR PERIOD	2,831 PRIOR PERIOD	5,083 PRIOR PERIOD

ENROLLMENT BY MONTH



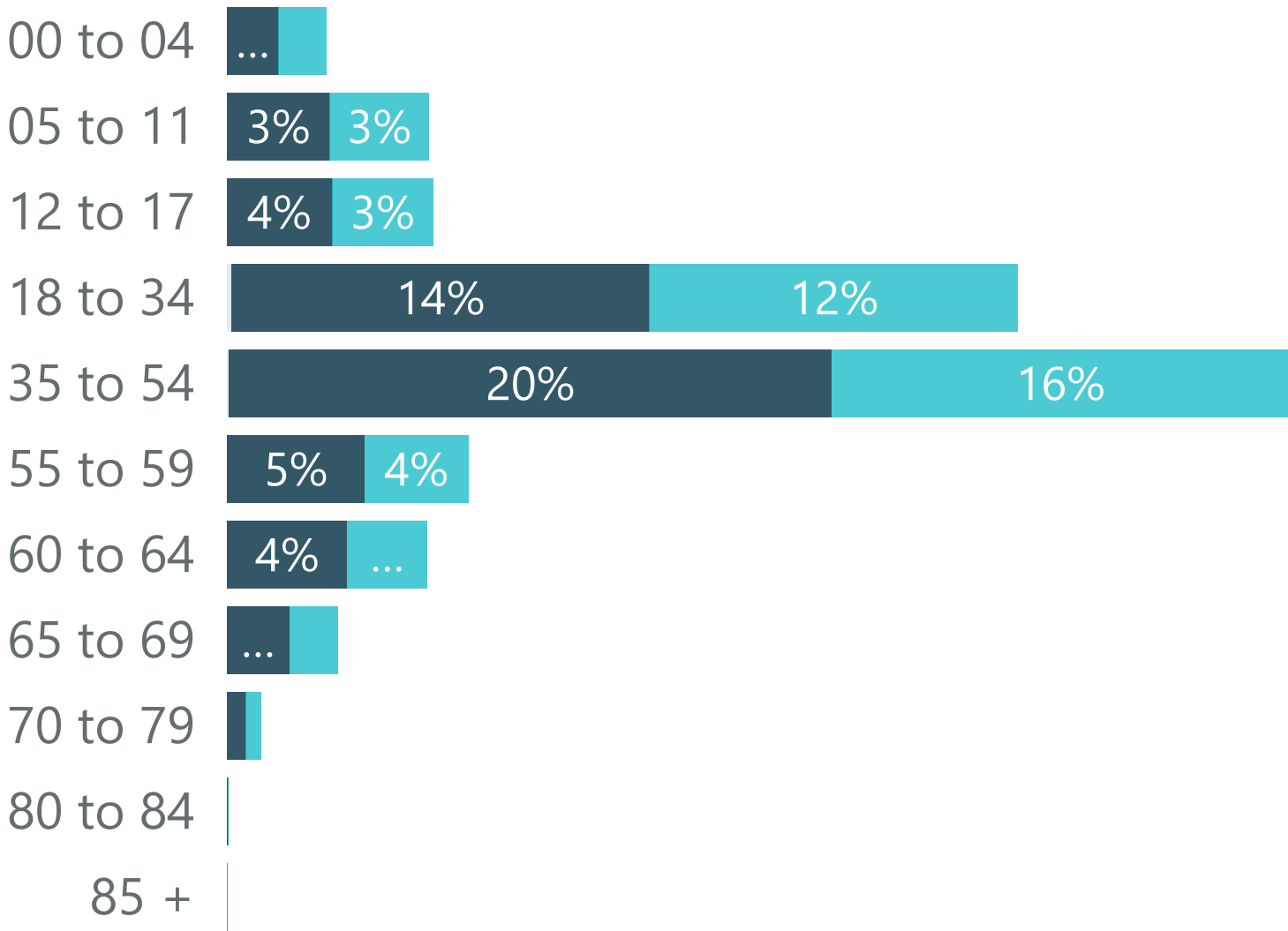
ENROLLMENT SUMMARY

⇌ by State • CBSA • City • Generation • Age Band • Relationship • Gender

State	Avg Age	Member*	% of Members*	Prior Members*	Change over Prior	% Change
⊕ CALIFORNIA	36	6,158	34.49%	6,088	+ 70	+ 1.2%
⊕ ILLINOIS	36	2,495	13.97%	2,345	+ 150	+ 6.4%
⊕ TEXAS	34	1,063	5.95%	945	+ 118	+ 12.5%
⊕ GEORGIA	33	1,048	5.87%	1,029	+ 19	+ 1.8%
⊕ FLORIDA	38	732	4.10%	716	+ 16	+ 2.2%
⊕ NORTH CAROLINA	37	669	3.75%	676	- 6	- 0.9%
⊕ NEVADA	37	545	3.05%	543	+ 2	+ 0.3%
⊕ VIRGINIA	36	515	2.89%	562	- 47	- 8.3%
⊕ MICHIGAN	35	413	2.31%	418	- 5	- 1.3%
⊕ SOUTH CAROLINA	34	383	2.14%	393	- 10	- 2.5%
⊕ MISSOURI	33	380	2.13%	402	- 22	- 5.6%
TOTAL	36	17,855	100.00%	17,625	+ 230	+ 1.3%

CURRENT PERIOD AGE BAND DISTRIBUTION

by Gender



*Member is the average enrollment by month

⇌ Click for dynamic visual filter menu

● OTHER ● MALE ● FEMALE

MEDICAL PLAN SPEND OVERVIEW

Overview of spend by dynamic filtering



Demo Group

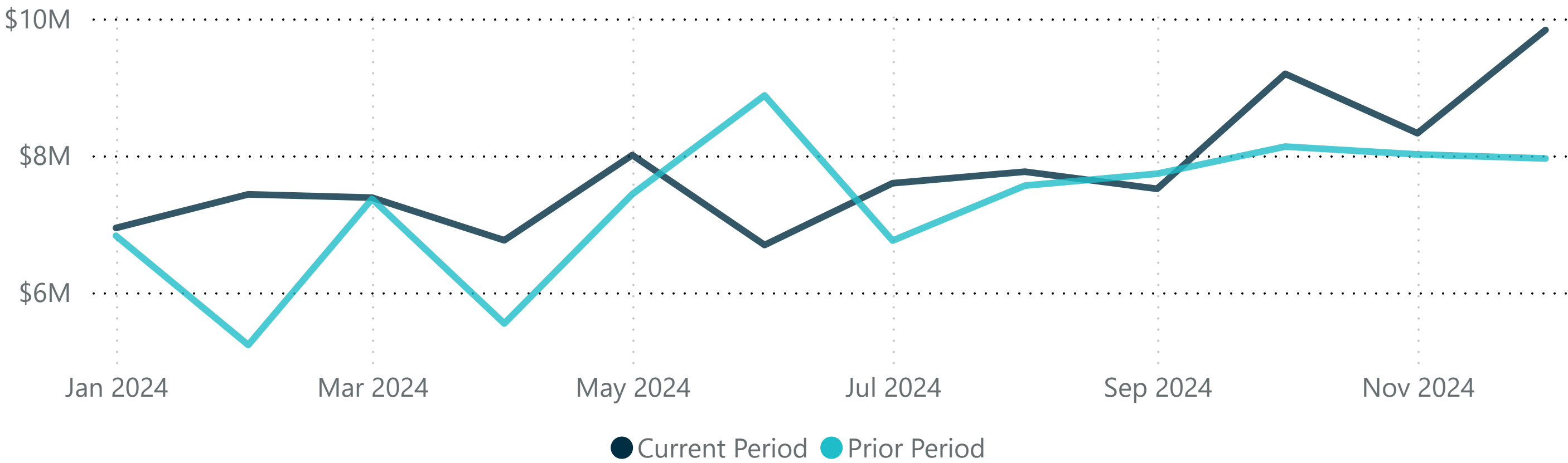
Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

MEDICAL SPEND STATISTICS

EMPLOYEES	SPOUSES	DEPENDENT
\$55,680,559 CURRENT PERIOD	\$22,416,234 CURRENT PERIOD	\$15,295,938 CURRENT PERIOD
\$48,938,606 PRIOR PERIOD	\$22,566,479 PRIOR PERIOD	\$15,903,960 PRIOR PERIOD

MEDICAL SPEND TREND



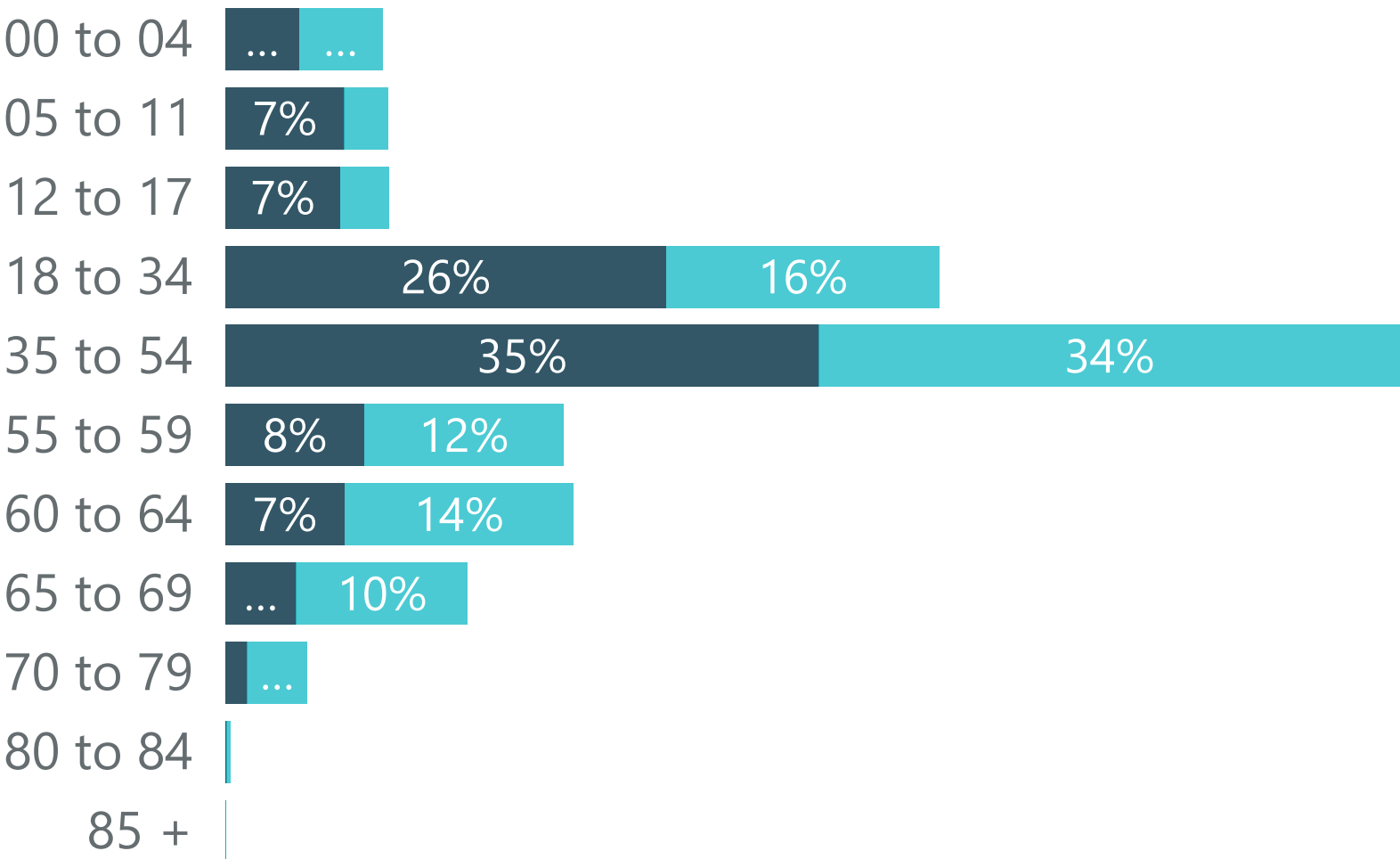
MEDICAL SUMMARY

⇄ by State • CBSA • City • Generation • Age Band • Relationship • Gender

State	Avg Age	Member*	Spend	% of Spend	Prior Spend	Prior % of Spend
⊕ CALIFORNIA	36	5,853	\$32,983,471	35.30%	\$30,893,934	35.34%
⊕ ILLINOIS	36	2,331	\$10,670,304	11.42%	\$12,846,058	14.69%
⊕ TEXAS	34	946	\$6,827,329	7.31%	\$4,171,853	4.77%
⊕ GEORGIA	33	1,033	\$6,366,145	6.81%	\$5,470,560	6.26%
⊕ MICHIGAN	35	396	\$3,895,519	4.17%	\$3,260,115	3.73%
⊕ FLORIDA	38	705	\$3,691,504	3.95%	\$3,925,085	4.49%
⊕ NORTH CAROLINA	37	604	\$3,228,973	3.46%	\$2,987,835	3.42%
⊕ NEVADA	37	453	\$2,396,971	2.57%	\$1,838,417	2.10%
⊕ VIRGINIA	36	483	\$2,262,004	2.42%	\$2,457,245	2.81%
⊕ SOUTH CAROLINA	34	361	\$2,163,945	2.32%	\$1,836,551	2.10%
TOTAL	36	16,813	\$93,427,841	100.00%	\$87,424,292	100.00%

CURRENT PERIOD AGE BAND DISTRIBUTION

% of Member* vs % of Spend



● % of Members* ● % of Spend

*Member is the distinct count of members with a Medical/Rx claim

⇄ Click for dynamic visual filter menu

MEDICAL CLAIMS

Spend analysis by dynamic filtering

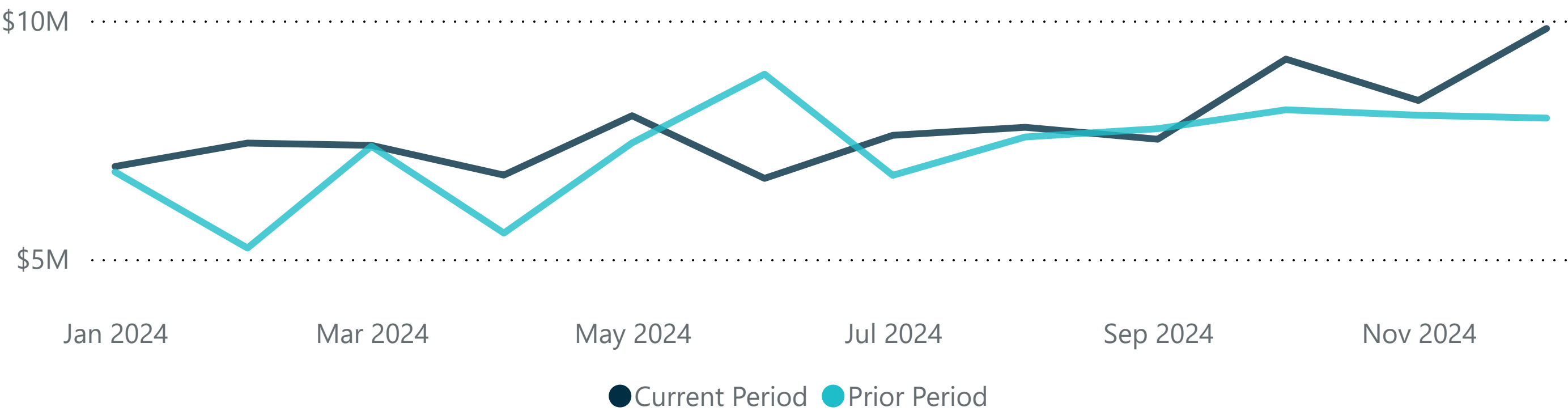


Demo Group

Current Period: Jan 2024 - Dec 2024

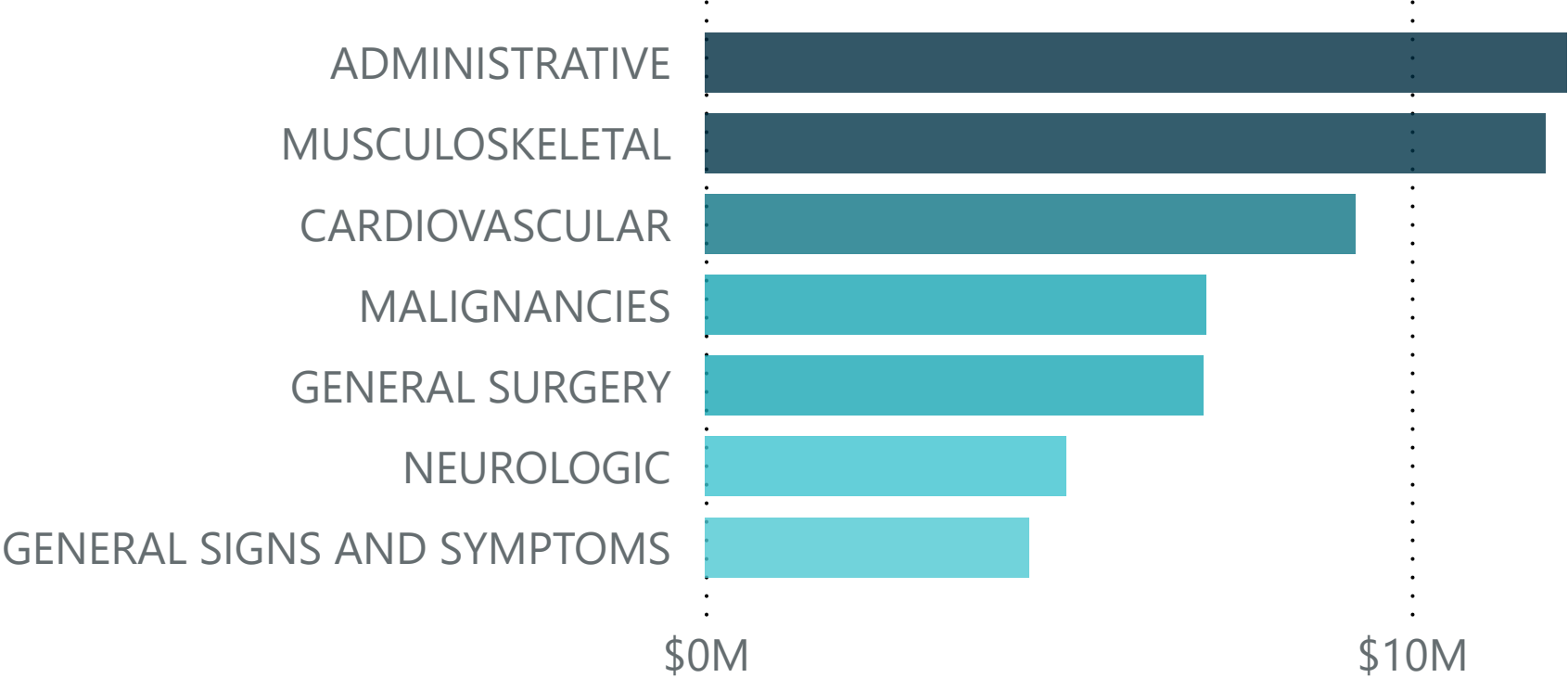
Prior Period: Jan 2023 - Dec 2023

MEDICAL SPEND TREND

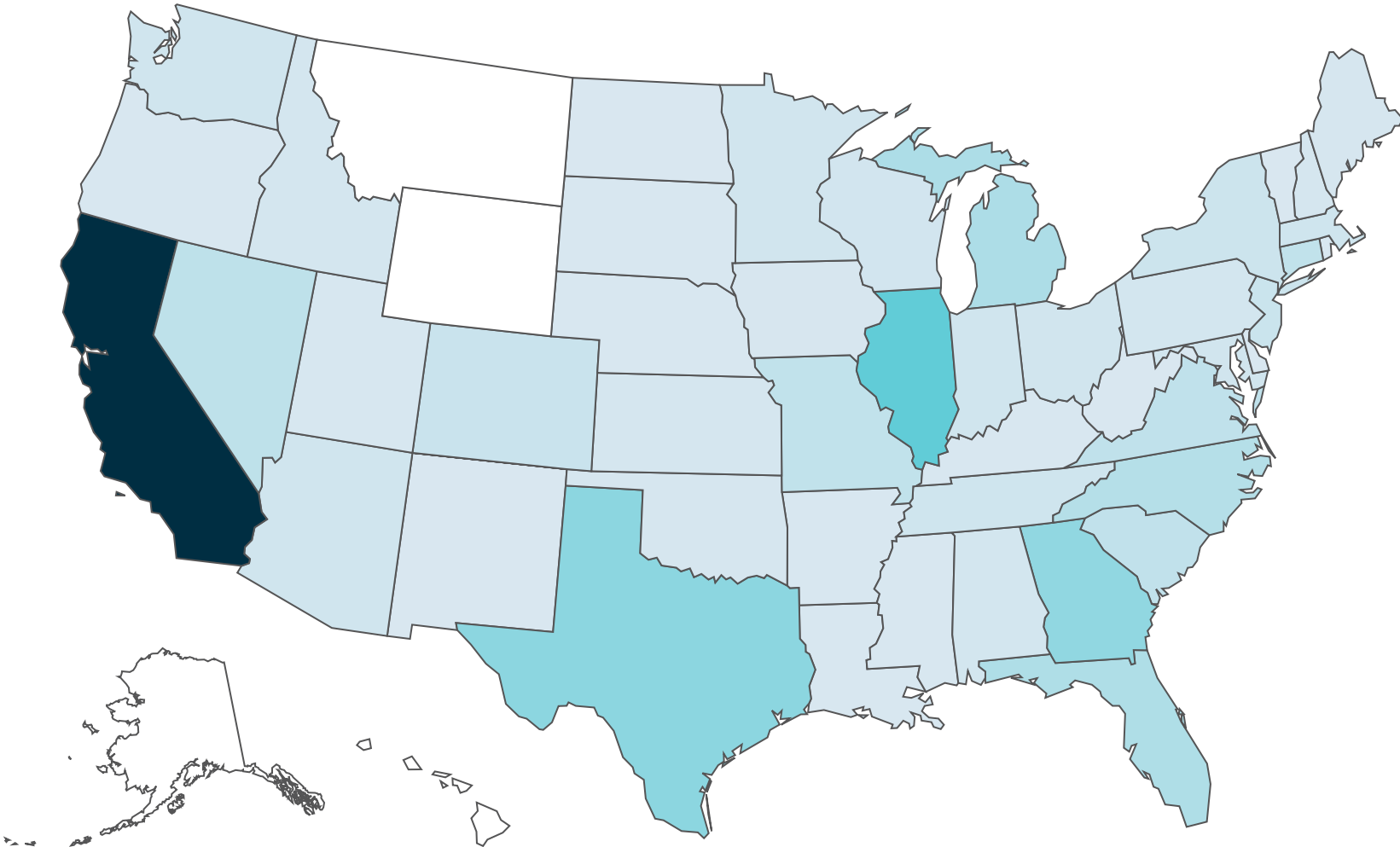


MEDICAL SPEND

⇄ by MEDC / MRx-MG • EDC / Rx-MG



SUMMARY OF MEDICAL SPEND UTILIZATION BY STATE



\$93,427,841 ▲
CURRENT PERIOD

\$87,424,292
PRIOR PERIOD

+ \$6,003,549
CHANGE OVER PRIOR

+ 6.9%
% CHANGE SPEND

MEDICAL SUMMARY

⇄ by State • CBSA • City • Generation • Age Band • Relationship • Gender

State	Member*	Spend	% of Member*	% of Spend
⊕ CALIFORNIA	5,853	\$32,983,471.35	34.81%	35.30%
⊕ ILLINOIS	2,331	\$10,670,303.95	13.86%	11.42%
⊕ TEXAS	946	\$6,827,328.97	5.63%	7.31%
⊕ GEORGIA	1,033	\$6,366,145.15	6.14%	6.81%
⊕ MICHIGAN	396	\$3,895,519.24	2.36%	4.17%
⊕ FLORIDA	705	\$3,691,504.38	4.19%	3.95%
⊕ NORTH CAROLINA	604	\$3,228,972.70	3.59%	3.46%
⊕ NEVADA	453	\$2,396,971.46	2.69%	2.57%
⊕ VIRGINIA	483	\$2,262,004.32	2.87%	2.42%
⊕ SOUTH CAROLINA	361	\$2,163,944.91	2.15%	2.32%
TOTAL	16,813	\$93,427,841....	100.00%	100.00%

*Member is the distinct count of members with a Medical/Rx claim

⇄ Click for dynamic visual filter menu

Low Moderate High

MEDICAL KEY PERFORMANCE INDICATORS (KPIs)

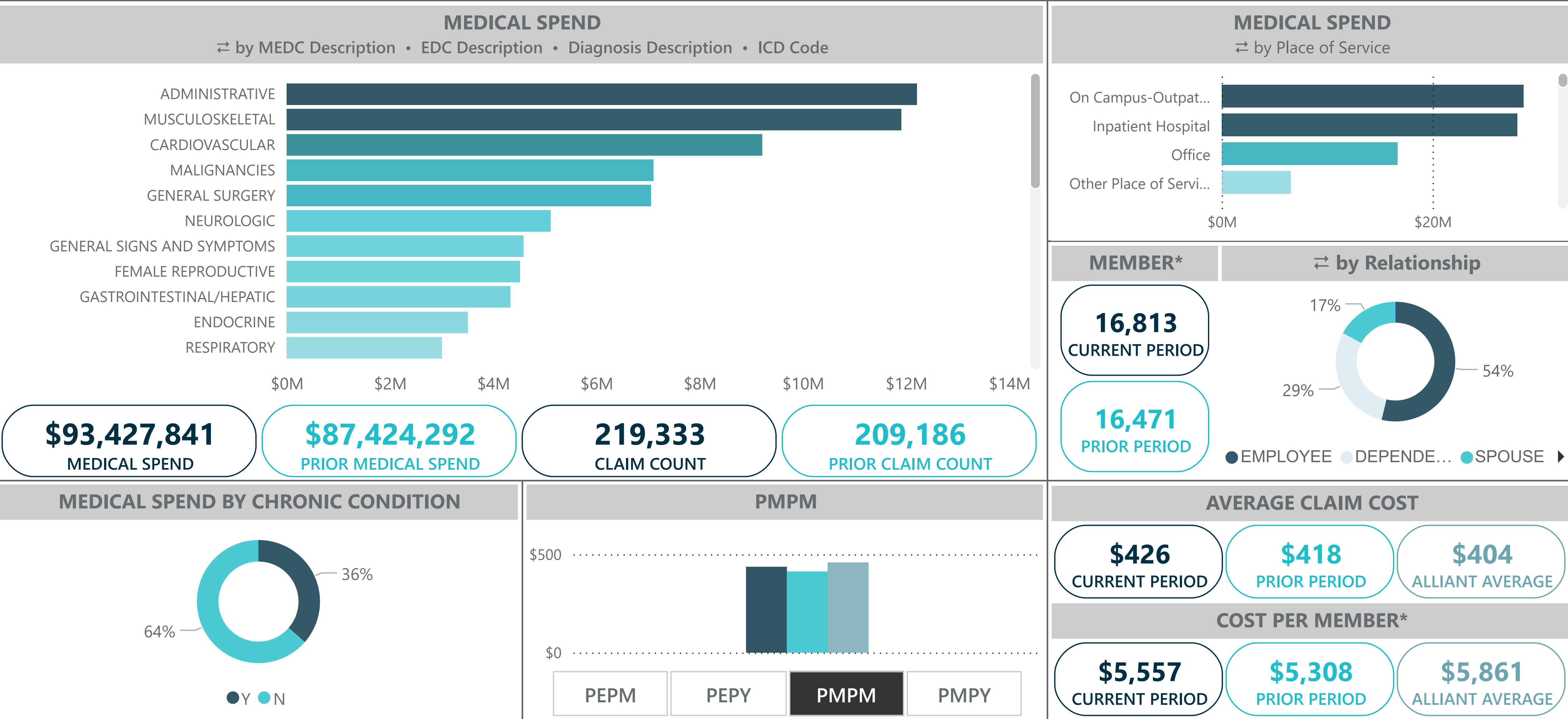
Key findings by dynamic filtering



Demo Group

Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023



PHARMACY KEY PERFORMANCE INDICATORS (KPIs)

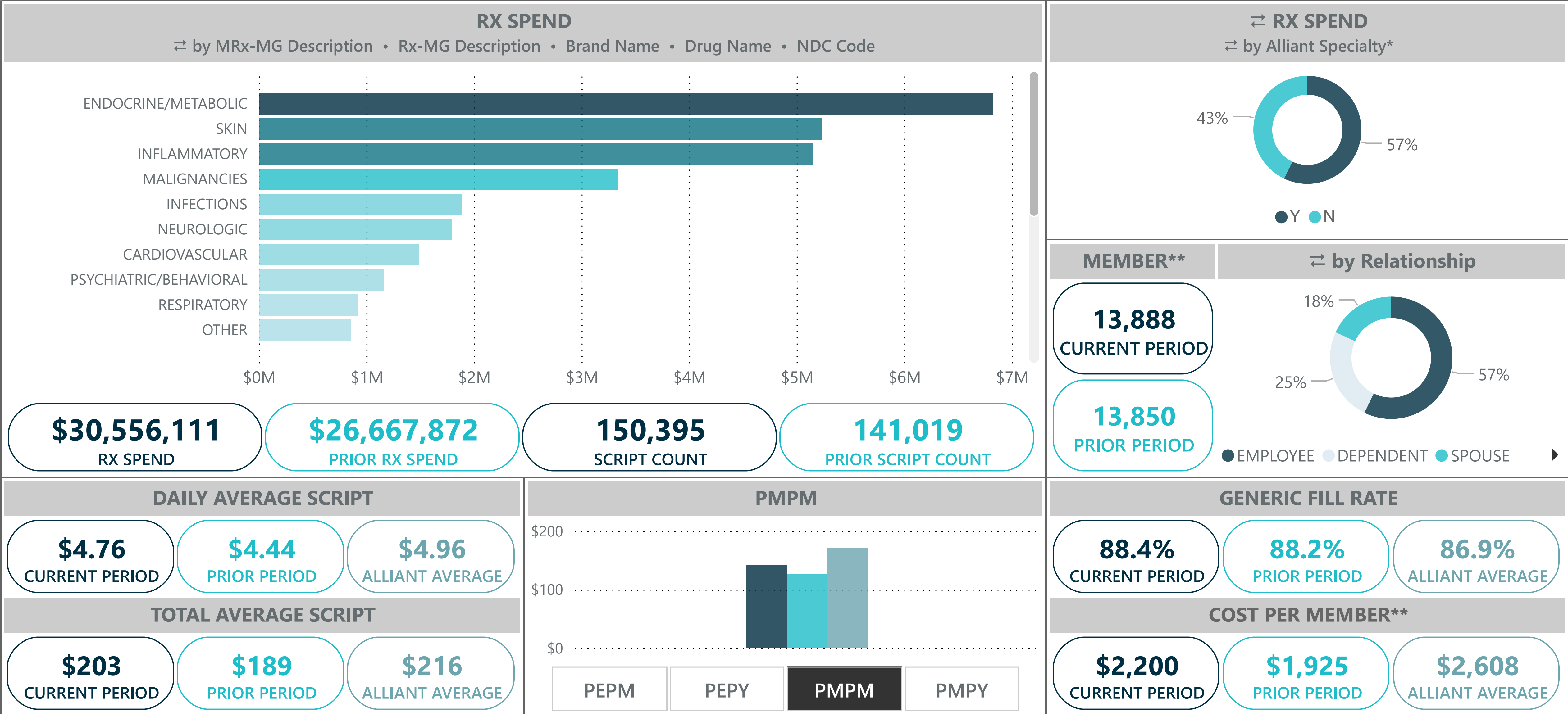
Key findings by dynamic filtering



Demo Group

Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023



**Member is the distinct count of members with a Medical/Rx claim

⇌ Click for dynamic visual filter menu

*Alliant Specialty is based on Alliant Pharmacy's Common Specialty Indicator

MEDICAL BILLED DRUGS (NON-PBM DRUGS)

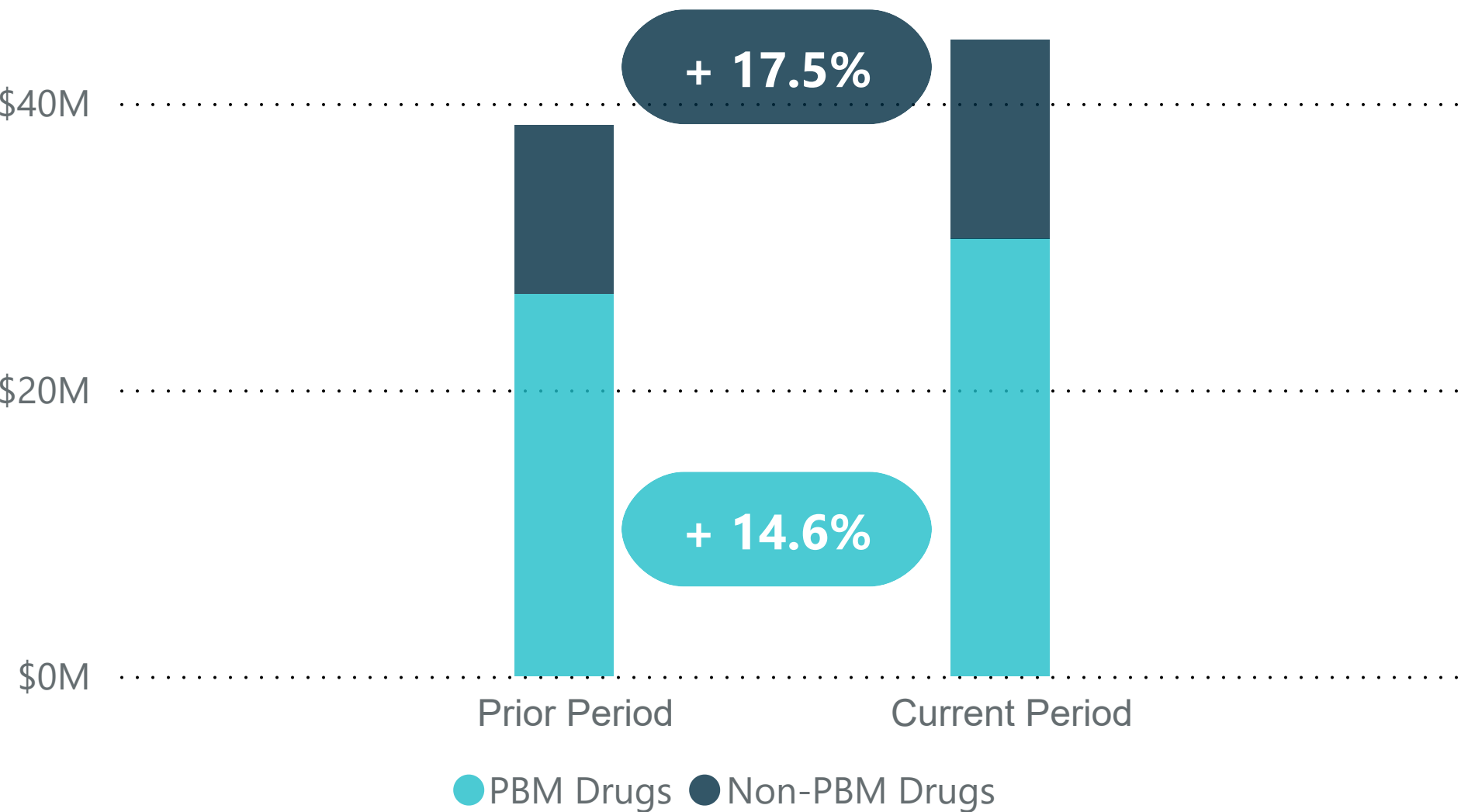


Demo Group

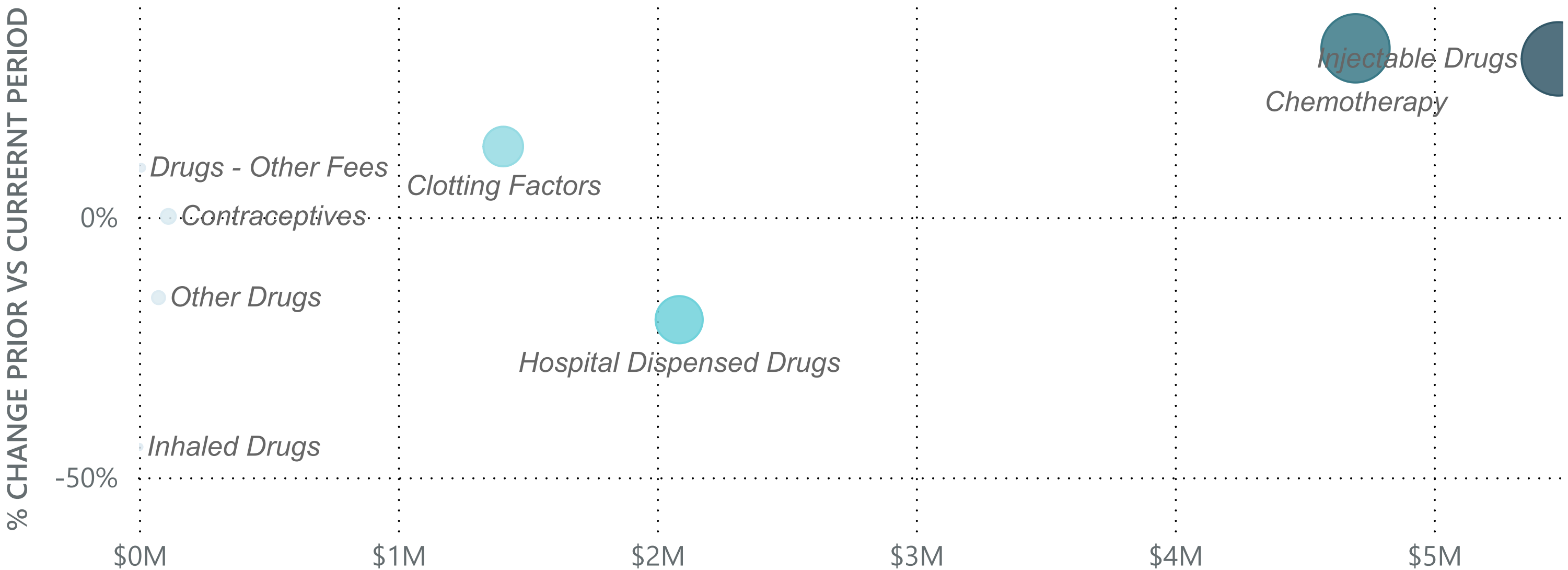
Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

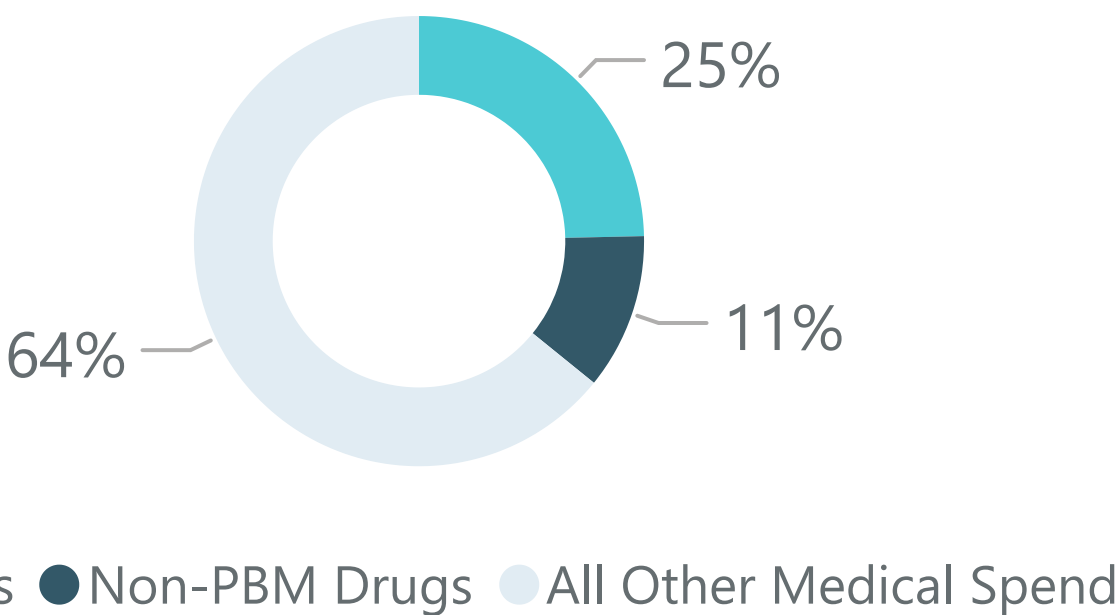
PBM & NON-PBM SPEND
% Change Prior vs Current Period



NON-PBM CATEGORIES



CURRENT PERIOD TOTAL PLAN SPEND BREAKDOWN
(Medical & Pharmacy)



NON-PBM SUMMARY

Non-PBM Categories	Spend	Prior Spend	Member*	Prior Member*	Cost per Member*	Prior Cost per Member*
Injectable Drugs	\$5,481,265	\$4,203,017	3,571	3,274	\$1,535	\$1,284
Chemotherapy	\$4,697,872	\$3,547,211	100	95	\$46,979	\$37,339
Hospital Dispensed Drugs	\$2,086,066	\$2,598,271	2,332	2,269	\$895	\$1,145
Clotting Factors	\$1,406,688	\$1,238,627	2	4	\$703,344	\$309,657
Contraceptives	\$113,599	\$113,444	112	110	\$1,014	\$1,031
Other Drugs	\$75,511	\$80,225	281	265	\$100	\$245
TOTAL	\$13,871,370	\$11,800,743	16,813	16,471	\$5,557	\$5,308

*Member is the distinct count of members with a Medical claim

NON-PBM DRUGS DETAILS



Demo Group

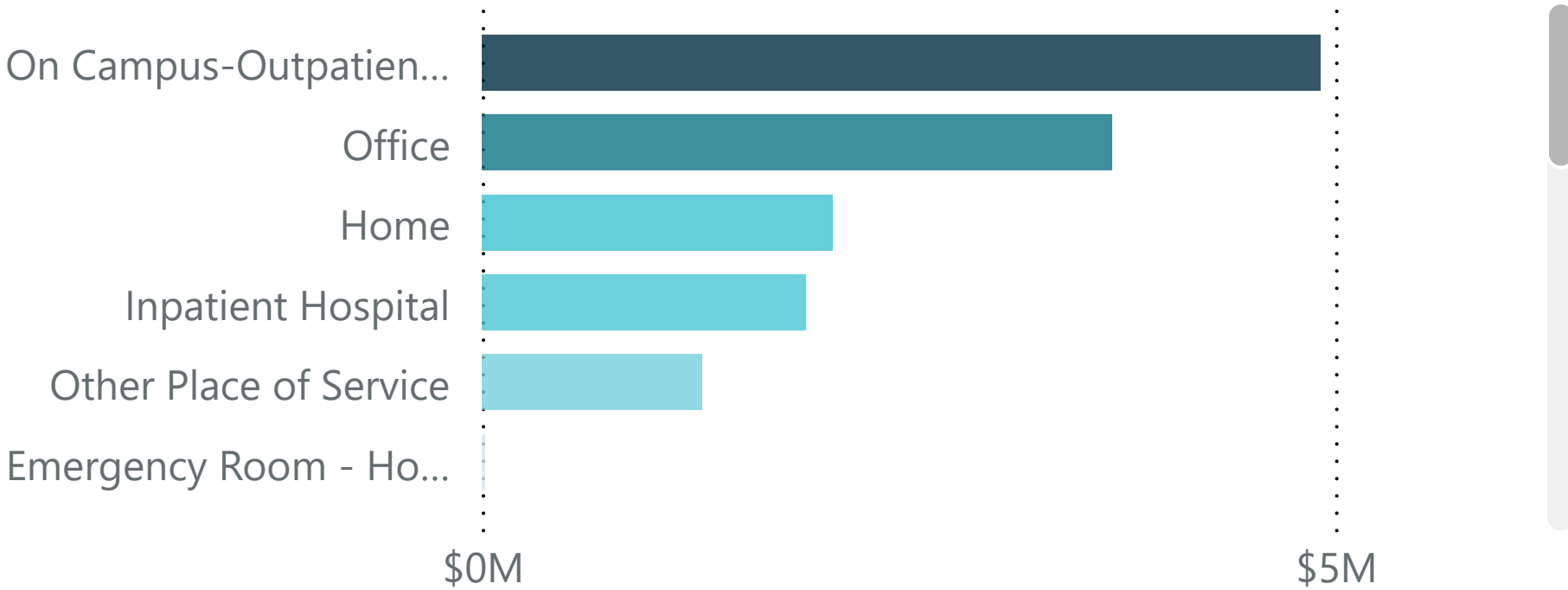
Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

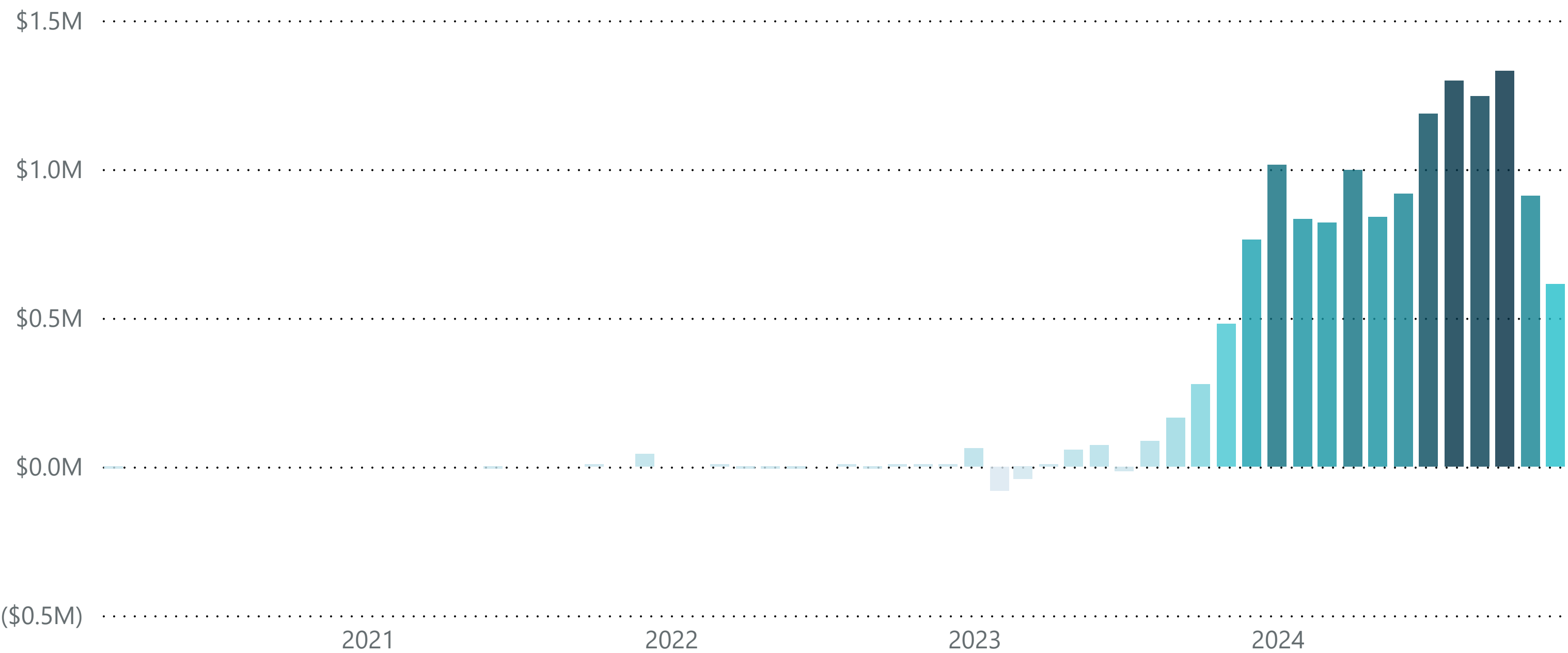
NON-PBM DRUGS SPEND DETAILS

Blind Member ID	Age Band	Gender	Relationship	Last Enrollment	Spend	Prior Spend
5275c3408c2710a8fad69cdf116ee140	18 to 34	FEMALE	SPOUSE	2024-Dec	\$884,921	\$41
ae04d27334d17cf00a994c6f5ec7b676	18 to 34	MALE	DEPENDENT	2024-Dec	\$837,042	\$576,384
2f3874c943ea71145c27ed68499d8424	35 to 54	MALE	EMPLOYEE	2024-Dec	\$764,319	\$572,768
1cce840124620881f598590648d1e740	35 to 54	MALE	EMPLOYEE	2024-Dec	\$636,600	
e0f226e119f3c1480847c5c5966d5207	18 to 34	MALE	DEPENDENT	2024-Dec	\$569,870	\$657,596
9c964172d512ccc28ce99cd044fb98da	65 to 69	FEMALE	SPOUSE	2024-Dec	\$326,926	\$56,235
6af02ebb83410b331911dbb65e20ee7d	60 to 64	FEMALE	EMPLOYEE	2024-Dec	\$301,189	\$0
TOTAL				2024-Dec	\$13,871,370	\$11,800,743

NON-PBM DRUGS SPEND BY PLACE OF SERVICE



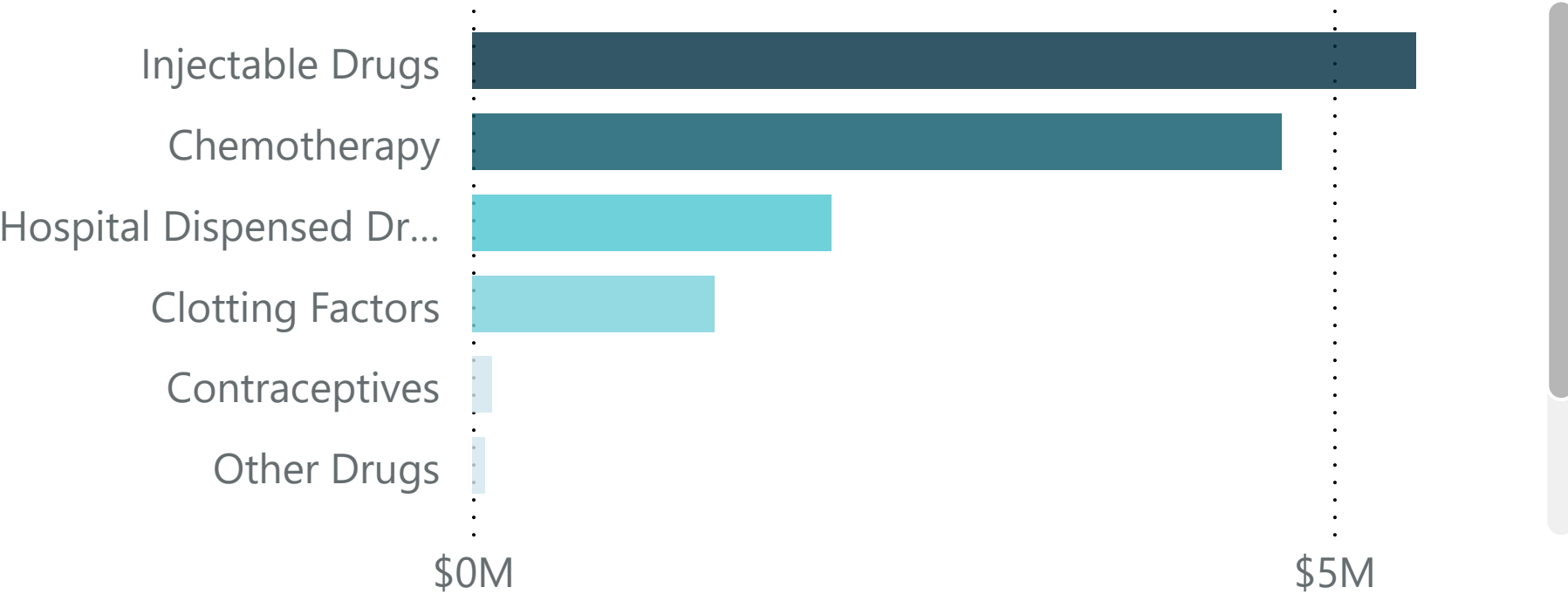
NON-PBM DRUGS SPEND BY INCURRED MONTH



NON-PBM DRUGS UTILIZATION METRICS



NON-PBM DRUGS SPEND BY NON-PBM CATEGORIES



*Member count is the distinct count of members with a Medical claim

ACTIONABLE INSIGHTS MEDICAL SPEND

An overview of conditions with a preventable root cause or influential with early interventions



Demo Group

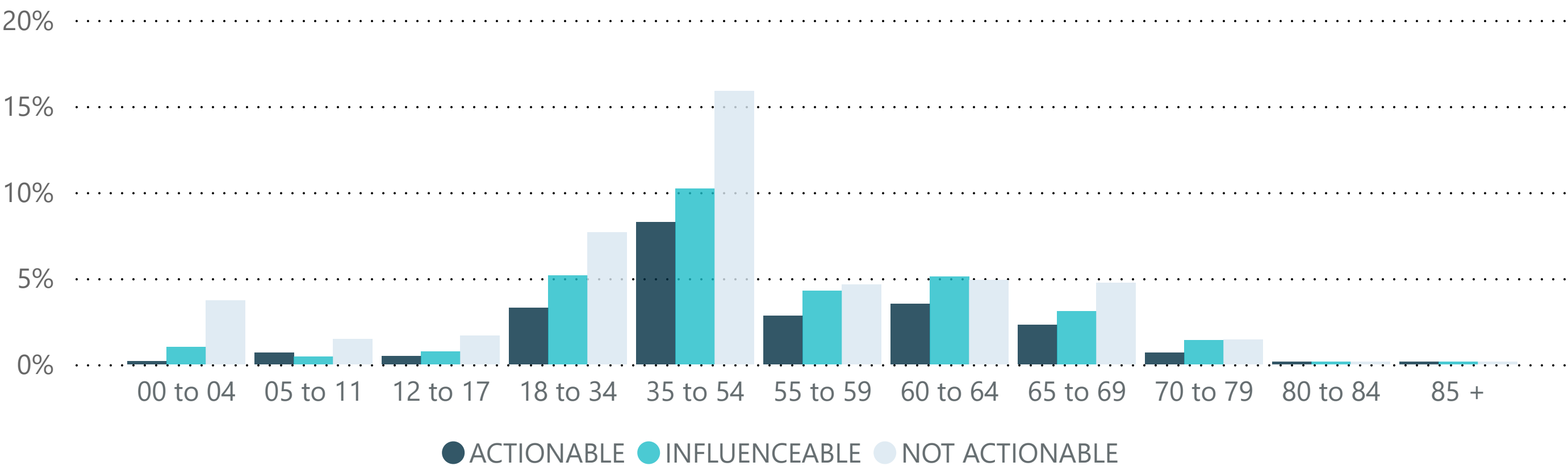
Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

MEDICAL SPEND BY ACTIONABLE POTENTIAL

ACTIONABLE	INFLUENCEABLE	NOT ACTIONABLE
\$20,835,237 CURRENT PERIOD	\$29,381,366 CURRENT PERIOD	\$43,211,238 CURRENT PERIOD
\$15,979,000 PRIOR PERIOD	\$31,307,220 PRIOR PERIOD	\$40,138,071 PRIOR PERIOD

ACTION POTENTIAL DISTRIBUTION BY AGE BAND



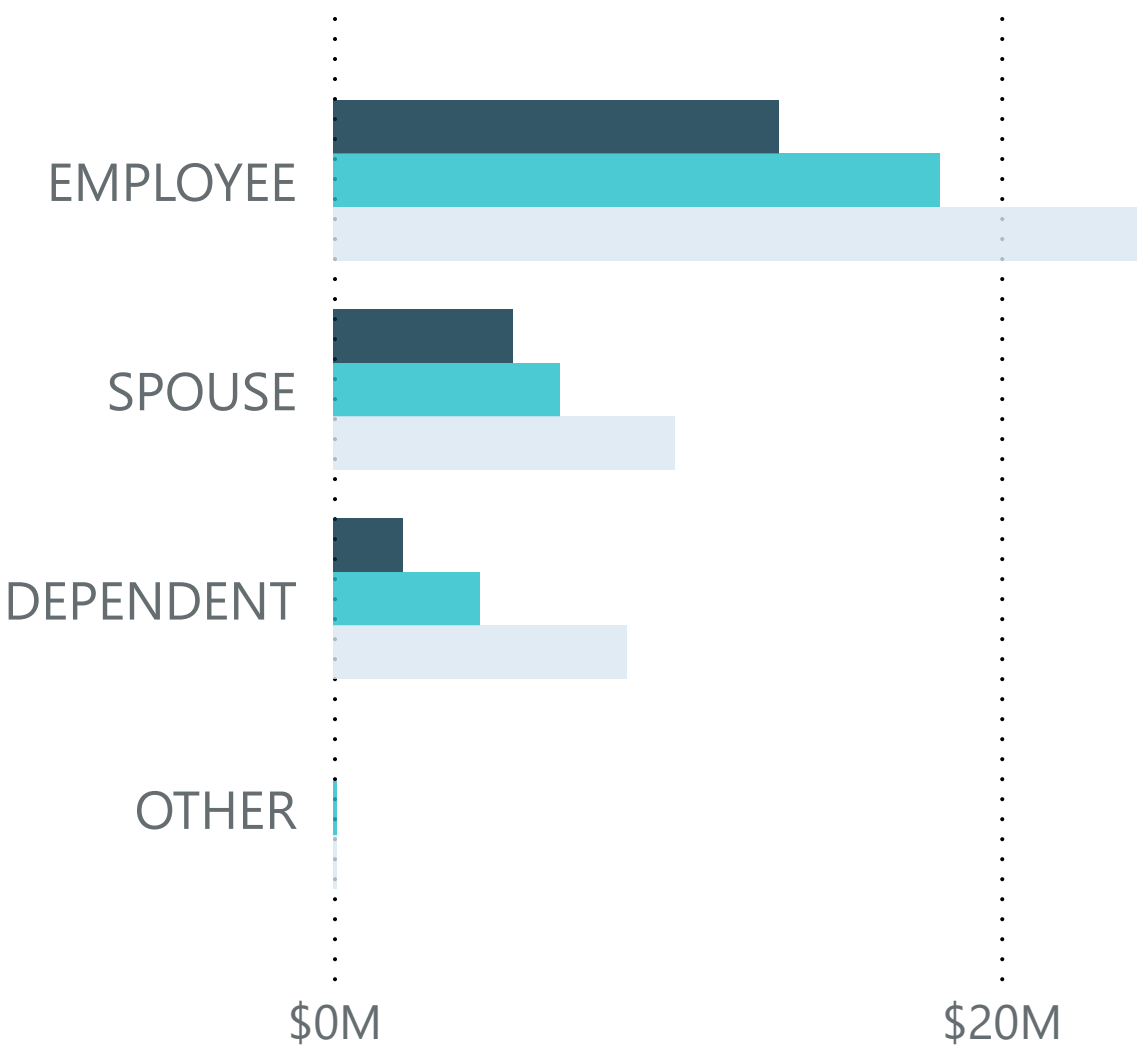
MEDICAL SUMMARY

⇌ by Action Potential • MEDC / MRx-MG • EDC / Rx-MG • State • CBSA • City • Generation • Age Band

Action Potential	Member*	Spend	% of Spend	Prior Spend	Prior % of Spend
☐ NOT ACTIONABLE	13,706	\$43,211,238	46.25%	\$40,138,071	45.91%
☐ INFLUENCEABLE	12,437	\$29,381,366	31.45%	\$31,307,220	35.81%
☐ ACTIONABLE	8,662	\$20,835,237	22.30%	\$15,979,000	18.28%
TOTAL	16,813	\$93,427,841	100.00%	\$87,424,292	100.00%

MEDICAL SPEND

⇌ by Relationship



*Member is the distinct count of members with a Medical/Rx claim

⇌ Click for dynamic visual filter menu

● ACTIONABLE ● INFLUENCEABLE ● NOT ACTIONABLE

SOLUTION IMPACT AND ASSESSMENT

An analysis of the potential point solution impact and cost metrics to determine viability



Demo Group

Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

RESET DESCRIPTION FILTERS



MEDC / MRx-MG	EDC / Rx-MG DESCRIPTION
☐ ADMINISTRATIVE ☐ ALLERGY ☐ ALLERGY/IMMUNOLOGY ☒ CARDIOVASCULAR ☐ DENTAL ☐ EAR, NOSE, THROAT ☐ ENDOCRINE ☐ ENDOCRINE/METABOLIC ☐ EYE ☐ FEMALE REPRODUCTIVE ☐ GASTROINTESTINAL/HEPA... ☐ GENERAL SIGNS AND SY... ☐ GENERAL SURGERY ☐ GENITO-URINARY ☐ HEMATOLOGIC ☐ INFECTIONS ☐ MALIGNANCIES ☐ MUSCULOSKELETAL ☐ NEONATAL ☐ NEUROLOGIC ☐ NUTRITION ☐ PSYCHIATRIC/BEHAVIORAL ☐ PSYCHOSOCIAL ☐ RENAL ☐ RESPIRATORY ☐ RHEUMATOLOGIC ☐ SKIN	☐ Select all ☐ ACUTE MYOCARDIAL INFARCTION ☐ CARDIAC ARRHYTHMIA ☐ CARDIOVASCULAR / ARRHYTHMIA ☐ CARDIOVASCULAR / HYPERLIPIDEMIA ☐ CARDIOVASCULAR / HYPERTENSION ☐ CARDIOVASCULAR / ISCHEMIC HEART DISEASE ☐ CARDIOVASCULAR DISORDERS, OTHER ☐ CARDIOVASCULAR SIGNS AND SYMPTOMS ☐ CONGESTIVE HEART FAILURE ☐ DISORDERS OF LIPID METABOLISM ☐ GENERALIZED ATHEROSCLEROSIS ☐ HYPERTENSION, W/O MAJOR COMPLICATIONS ☐ HYPERTENSION, WITH MAJOR COMPLICATIONS ☐ ISCHEMIC HEART DISEASE (EXCLUDING ACUTE MYOCARDIAL INFARCTION)

CARDIOVASCULAR ACTION POTENTIAL SUMMARY

⇌ by Action Potential • EDC / Rx-MG • Relationship • Gender

Action Potential		Medical Spend	Rx Spend	Total Spend	% of Total Spend	Member*
				▼		
+	ACTIONABLE	\$4,346,170	\$791,554	\$5,137,725	64.2%	5,032
+	INFLUENCEABLE	\$2,827,478	\$32,165	\$2,859,644	35.8%	1,101
TOTAL		\$7,173,649	\$823,719	\$7,997,368	100.0%	5,442

74.8%

ACTION POTENTIAL % OF MEDC / MRx-MG

6.5%

ACTION POTENTIAL % OF TOTAL SPEND

\$7,997,368

ACTION POTENTIAL

\$10,696,778

MEDC / MRxMG

\$7,997,368

ACTION POTENTIAL

\$123,983,952

TOTAL SPEND

MEDICAL

15,115

CLAIM COUNT

\$475

AVERAGE CLAIM COST

\$1,914

COST PER MEMBER*

3,748

MEMBER*

PHARMACY

29,141

SCRIPT COUNT

\$28

AVERAGE SCRIPT COST

\$195

COST PER MEMBER*

4,232

MEMBER*

⇌ Click for dynamic visual filter menu

*Member is the distinct count of members with a Medical/Rx claim

MEMBER DETAILS

A member based overview of health care utilization and core cost metrics

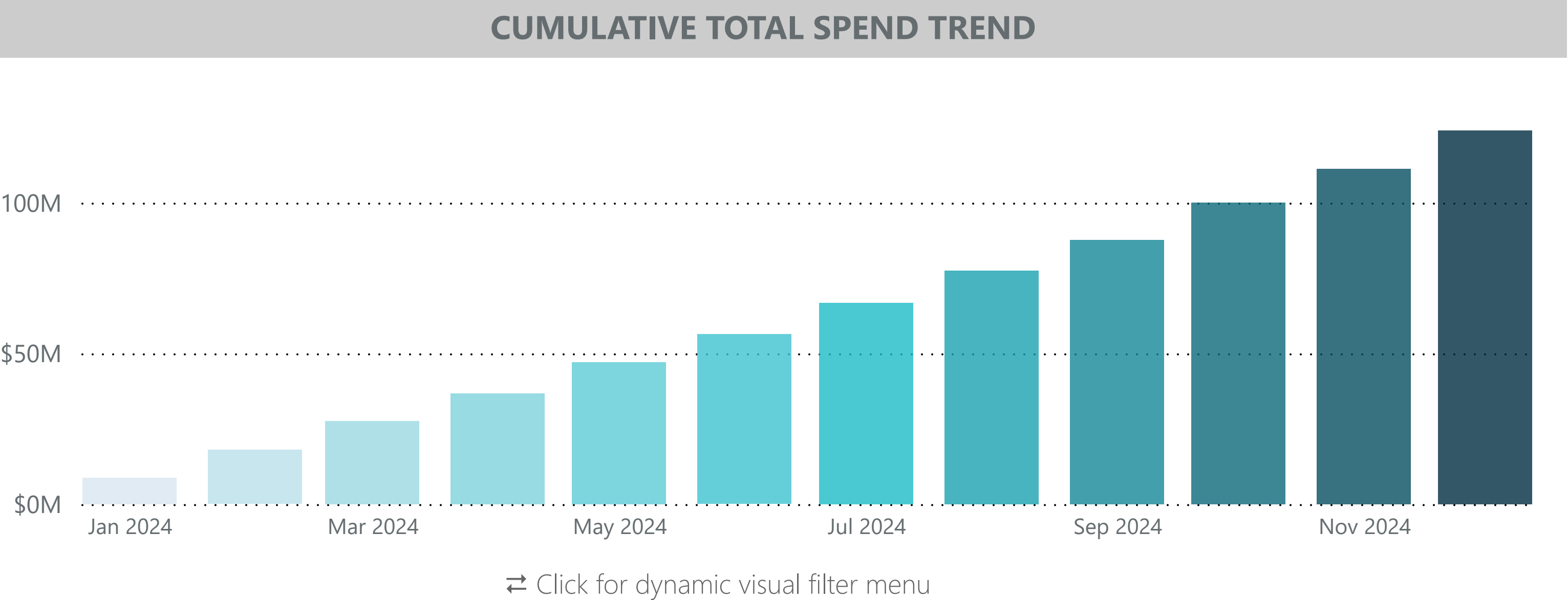


Demo Group

Current Period: Jan 2024 - Dec 2024

Prior Period: Jan 2023 - Dec 2023

MEMBER DETAILS						
Blind Member ID	Gender	Relationship	Last Enrollment	Med Spend	Rx Spend	Total Spend
36c0a4be85617ed7b2b31dca29...	MALE	EMPLOYEE	2024-Dec	\$1,458,139.25	\$10,236.91	\$1,468,376.16
2f3874c943ea71145c27ed68499...	MALE	EMPLOYEE	2024-Dec	\$854,888.55	\$112,730.58	\$967,619.13
5275c3408c2710a8fad69cdf116...	FEMALE	SPOUSE	2024-Dec	\$894,422.70	\$2,204.44	\$896,627.14
ae04d27334d17cf00a994c6f5ec...	MALE	DEPENDENT	2024-Dec	\$851,163.74	\$10,559.99	\$861,723.73
1cce840124620881f598590648d...	MALE	EMPLOYEE	2024-Dec	\$823,033.41	\$183.87	\$823,217.28
072b144370df5c8c083c87fbb89...	FEMALE	SPOUSE	2024-Dec	\$559,124.06	\$238,973.42	\$798,097.48
db226e4a2cf67f1dfe8badc144a...	FEMALE	DEPENDENT	2024-Dec	\$639,056.42	\$73.17	\$639,129.59
3b122d504487449e3693d3c068...	MALE	EMPLOYEE	2024-Dec	\$340,602.48	\$283,843.14	\$624,445.62
e0f226e119f3c1480847c5c5966...	MALE	DEPENDENT	2024-Dec	\$570,740.82	\$37.52	\$570,778.34
57d91b5e0b45e79cf8ee8b0befb...	MALE	DEPENDENT	2024-Dec	\$500,063.40	\$21.30	\$500,084.70
fee814cfb246310092d093825bb...	MALE	SPOUSE	2024-Dec	\$483,388.50	\$4,967.48	\$488,355.98
TOTAL			2024-Dec	\$93,427,841.29	\$30,556,110.70	\$123,983,951...



MEDICAL UTILIZATION METRICS

219K
OF MED CLAIMS

\$426
\$ AVG MED CLAIM

MEDICAL SPEND

by Place of Service • MEDC Description • Diagnosis Description

Place of Service	Spend
On Campus-Outpatient	\$18M
Inpatient Hospital	\$15M
Office	\$8M
Other Place of Service	\$4M
Home	\$2M

PHARMACY UTILIZATION METRICS

150K
OF SCRIPTS/CLAIMS

\$1.55K
\$ AVG BRAND/SPECIALTY

\$25.00
\$ AVG GENERIC

PHARMACY SPEND

by MRx-MG Description • Rx-MG Description • Drug Name

MRx-MG Description	Spend
ENDOCRINE/METABOLIC	\$4.5M
SKIN	\$3.5M
INFLAMMATORY	\$3.5M
MALIGNANCIES	\$3.5M
INFECTIONS	\$2M

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Employee Benefits Plan Performance

2022 Year-End Report

ABC Company



ABC Company Reporting and Underwriting - Notes and Disclaimers

Alliant Analytics works with employers to identify the relevant insights within the complex healthcare system, so they can maximize business value, reduce costs, and manage risk.

Time Periods

Unless otherwise specified, time periods reflected in this report are the following:

Time Periods	Paid	Incurred
Rolling 12 Time Period 1 (Prior Year)	Prior: 12/2020-11/2021	Prior: 10/2019-9/2020
Rolling 12 Time Period 2 (Current Year)	Current: 12/2020-11/2021	Current: 10/2020-9/2021

**Verscend reporting (if applicable) is typically a month behind carrier reports.*

Plan Year: January - December

Utilization data is Incurred and 2 months behind paid date as indicated above.

Data

Alliant relied on ABC Company vendors to provide complete and accurate data.

Data has been provided by Blue Insight, Verisk & Guardian.

Additional employer costs include Compass, Teladoc, and Rx Rebates.

Total fixed costs include administrative fees, stop loss premium, and aggregate premium.

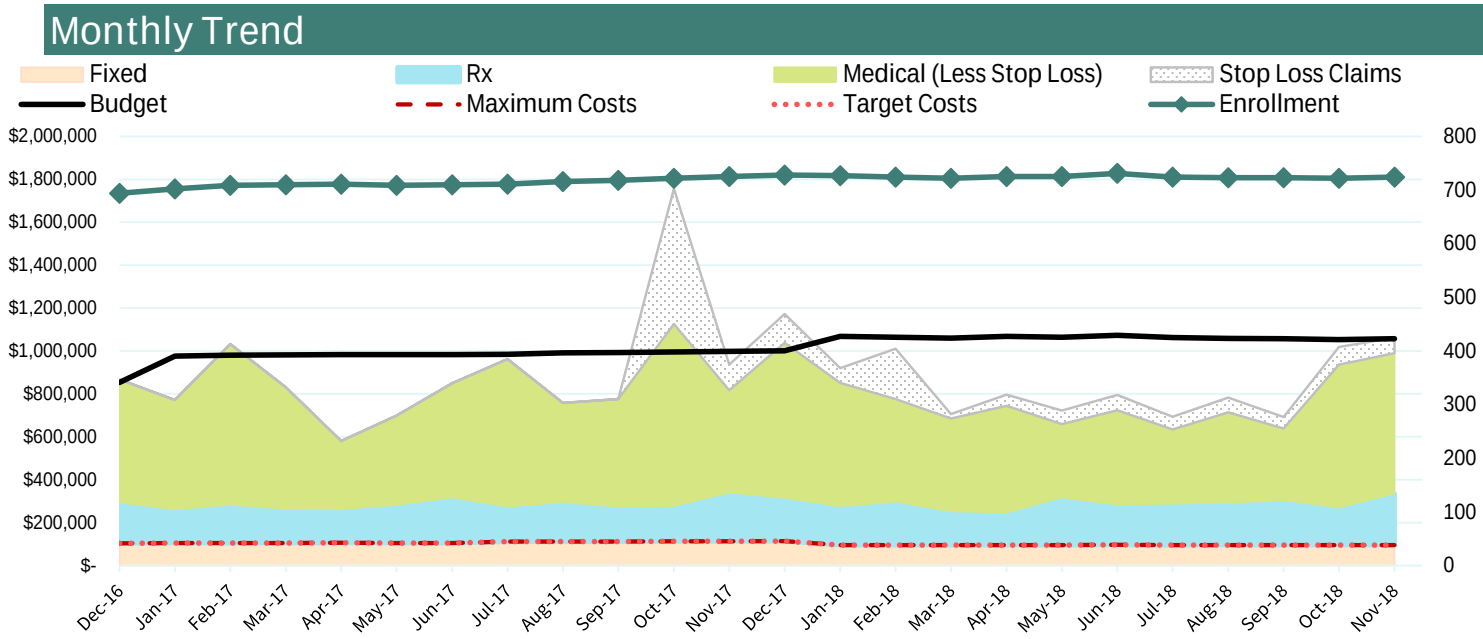
Additional Notes

Alliant recommends using a certified reserve analysis performed by an actuary with an FSA designation when filing official liability accounting. Alliant can assist you with this process.

Differences in our projections and actual costs will depend on the extent to which future experience conforms to the assumptions used in this analysis. There is a significant likelihood that actual claims will differ from claims that have been projected.

Where there are multiple plans, our forecast is based on the assumption that populations enrolled in each plan will not change by more than +/- 10%. If migration among the plans exceeds this threshold we reserve the right to re-state our forecast based on the updated information.

ABC Company Executive Summary - Medical Financial Summary



Commentary

Summary

- Medical Budget vs. Expenses
- YOY Expense Trend
- 12 Month Enrollment Trend

Plan Performance

- Overall the plan is running at 94% for the month and 72% for the current plan year
- Plan 2 is running at 109% for the month and 81% for the current plan year
- Plan 3 is running at 52% for the month and 47% for the current plan year

Medical Advanced Rating

- This is showing a year end surplus of \$3,328,810 if the plan were to run at budgeted claims with all other costs being equal.

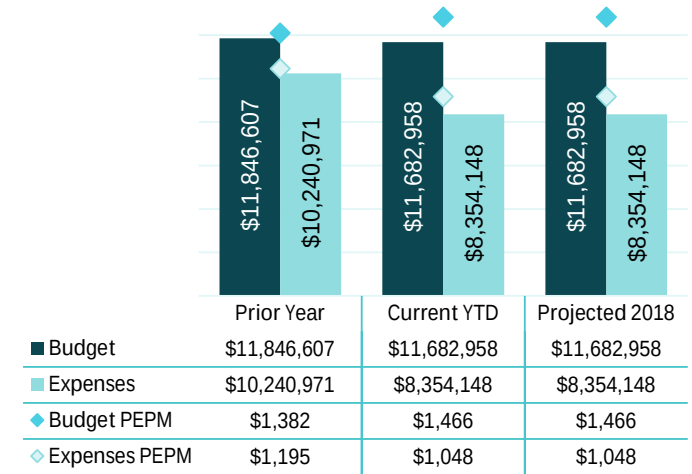
Reserves

- Medical and Rx reserves are showing an increase of \$90,000 (when compared to the prior month).
- Medical and Rx Reserves: \$941,000
- We recommend using the 3 month average: \$285,000

Additional Commentary

- There are 2 new large claimants this month.
- Potential Large Claims:
-

Medical Budget vs. Expenses



Budget vs. Expenses	Prior Year	Current YTD	Rolling 12
	86%	72%	74%

Cost Drivers

Top Large Claims

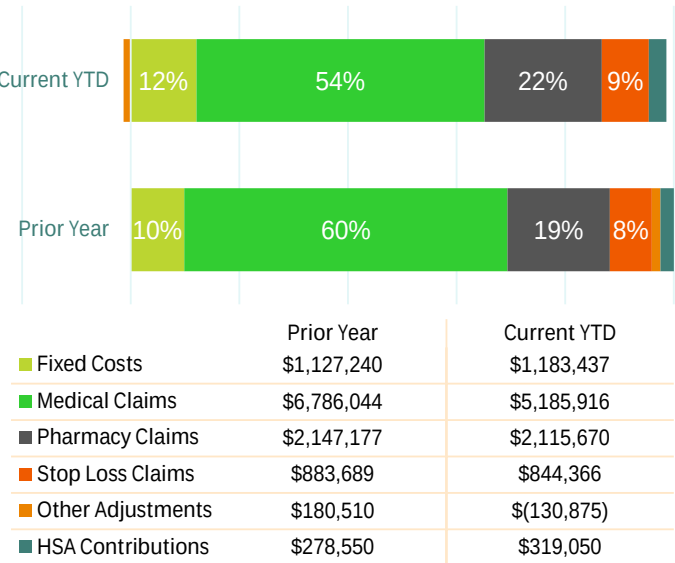
Top Diagnosis	Gender	Amount	Status
Diag 1		\$ 623,169	
Diag 2		\$ 415,967	
Diag 3		\$ 346,202	
Top 3 Large Claimant Total		\$ 1,385,338	
Remaining Large Claims > \$25,000		\$ 1,860,506	
Total Large Claims > \$25,000		\$ 3,245,844	
% of Total Claims			44%

Stop Loss \$100,000, Aggregating Specific \$0

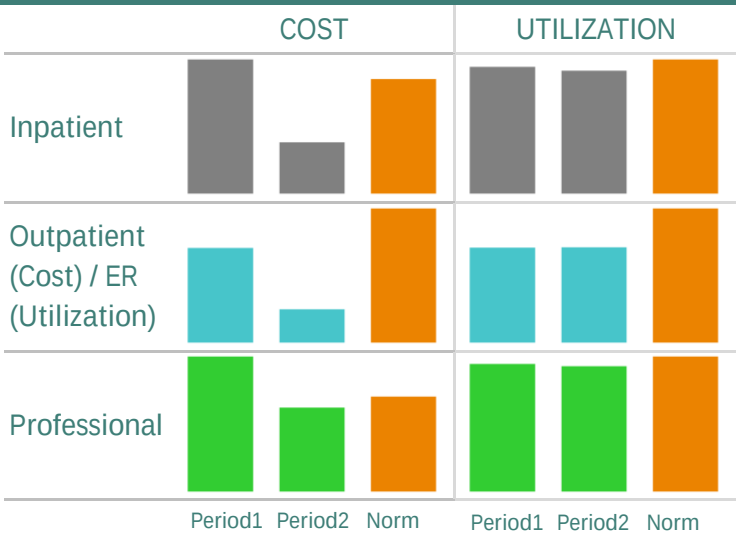
Pending Reimbursements: \$2,295,844

ABC Company Executive Summary - Utilization Summary

Cost Breakdown



Medical Service Category



P1: Prior: Rolling 12 Months P2: Current: Rolling 12 Months

Verscend Norm includes ER visits in outpatient and misc. items in professional

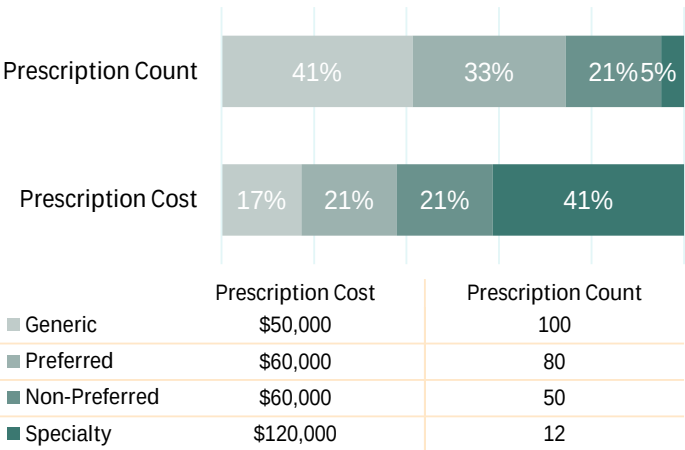
Commentary

Highlights

- Current Compass ROI is 2/1
- Inpatient utilization has decreased 3%
- Average length of inpatient hospital stay has increased by 50%
- ER utilization has increased by 0%
- Enrollment has decreased 1% in the last 12 months
- Employee claims PMPM have decreased 46%
- Dependent claims PMPM have decreased 4%
- Dependents count for 41% of members and 22% of claims
- Generic prescriptions account for 0% of Areas of Opportunity
- Pharmacy utilization has decreased 21%
- Current Teladoc ROI is 0/1
- Spouse claims PMPM have decreased 14%
- Spouses count for 20% of members and 26% of claims
- Employees count for 39% of members and 52% of claims

Additional Commentary

Pharmacy Claims Breakdown



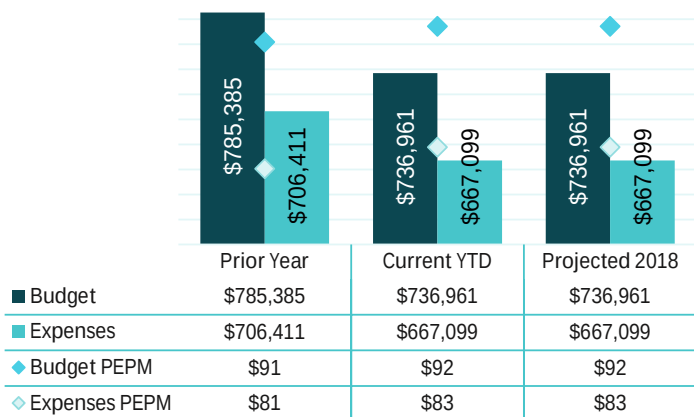
Rolling 12

Top Prescriptions

Top Prescription Class Cost		Cost	
1	Class 1		
2	Class 2		
3	Class 3		
Top Prescription Class Volume		Count	
1	Class 1		
2	Class 2		
3	Class 3		
Top Drugs Cost		Description	Cost
1	Drug 1		
2	Drug 2		
3	Drug 3		

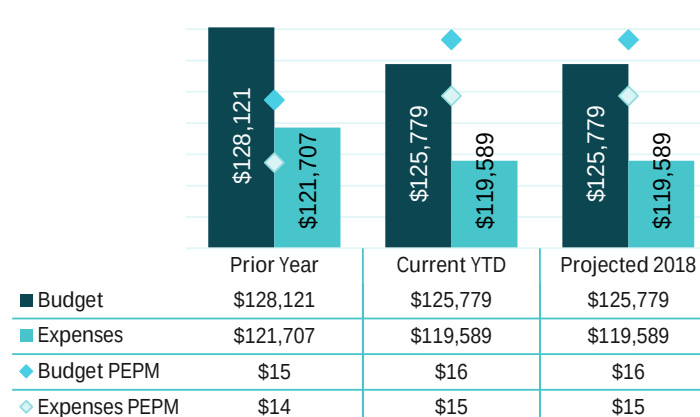
ABC Company Executive Summary - Additional Lines Summary

Dental Budget vs. Expenses



Budget vs. Expenses	Prior Year	Current YTD	Rolling 12
	90%	91%	90%

Vision Budget vs. Expenses



Budget vs. Expenses	Prior Year	Current YTD	Rolling 12
	95%	95%	97%

Total Costs Projected 2019

	Employee	Net Employer Spend	Total Expenses	Budget / Funding	Surplus	Projected Expense 2019
Medical	664	\$ 8,353,484	\$ 8,354,148	\$ 11,682,958	\$ 3,328,810	--
HSA		\$ 319,050				\$ -
Dental	670	\$ 666,429	\$ 667,099	\$ 736,961	\$ 69,863	\$ -
Vision	659	\$ 118,931	\$ 119,589	\$ 125,779	\$ 6,190	\$ -
Life		\$ -				\$ -
STD		\$ -				\$ -
LTD		\$ -				\$ -
Other						
Total	1993	\$ 9,457,893	\$ 9,140,836	\$ 12,545,698	\$ 3,404,863	--

Commentary

Summary

- Dental Budget vs. Expenses
- Vision Budget vs. Expenses

Advanced Rating

- Dental is showing a year end surplus of \$69,863 if the plan were to run at budgeted claims with all other costs being equal.
- Vision is showing a year end surplus of \$6,190 if the plan were to run at budgeted claims with all other costs being equal.

Reserves

- Dental reserves are showing a decrease of \$1,000 (when compared to the prior month).
- Dental Reserves: \$27,000
- Dental Reserve 3 Month Average: \$7,000
- Vision reserves are showing a decrease of \$0 (when compared to the prior month).
- Vision Reserves: \$4,000
- Vision Reserve 3 Month Average: \$4,000

Additional Commentary

ABC Company Key Findings



FINANCIALS

- Medical Budget vs. Expenses is 72% for the Current YTD time period
- Large claims account for 44% of claims
- This is showing a year end surplus of \$3,328,810 if the plan were to run at budgeted claims with all other costs being equal

Recommendations /
Implementations



DEMOGRAPHICS

- Enrollment has decreased 1% in the last 12 months
- Spouse claims PMPM have decreased 14%
- Spouses count for 20% of members and 26% of claims

Recommendations /
Implementations



MEDICAL UTILIZATION

- Average length of inpatient hospital stay has increased by 50%
- ER utilization has increased by 0%
- Inpatient utilization has decreased 3%

Recommendations /
Implementations



PHARMACY UTILIZATION

- Pharmacy utilization has decreased 21%
- Generic prescriptions account for 0% of prescriptions

Recommendations /
Implementations



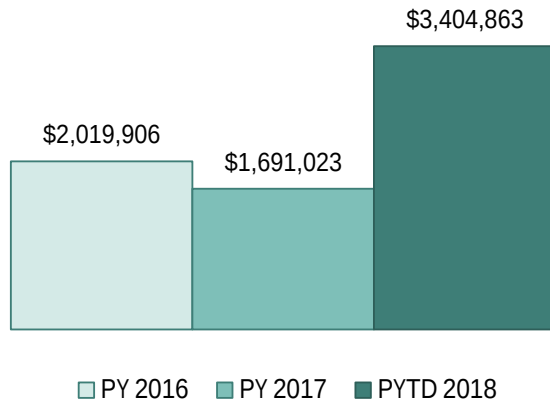
OTHER

- Current Compass ROI is 2/1
- Dental Budget vs. Expenses is 91% for the Current YTD time period
- Vision Budget vs. Expenses is 95% for the Current YTD time period

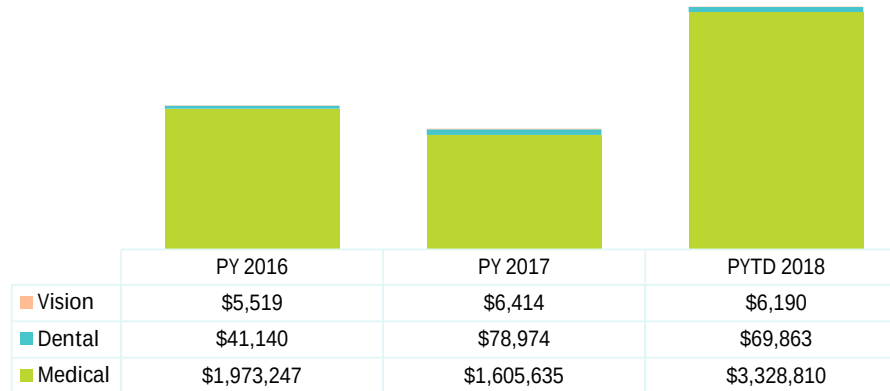
Recommendations /
Implementations

ABC Company Annual - Combined Health Costs

Surplus / Deficit - Combined



Surplus / Deficit by Coverage



Time Period: Current YTD

Employee Count 725

TOTAL HEALTH BUDGET

MEDICAL	\$	11,682,958
DENTAL	\$	736,961
VISION	\$	125,779
TOTAL	\$	12,545,698
PEPM	\$	1,574

Trend 6%
(vs. prior time period)

TOTAL EXPENSES

MEDICAL	\$	8,354,148
DENTAL	\$	667,099
VISION	\$	119,589
TOTAL	\$	9,140,836
PEPM	\$	1,147

Trend -10%

BUDGET VS. EXPENSES

73%

TREND (PEPM)

MEDICAL GROSS CLAIMS

YTD vs. YTD -13%
Rolling YOY -9%

PHARMACY CLAIMS

YTD vs. YTD 7%
Rolling YOY 7%

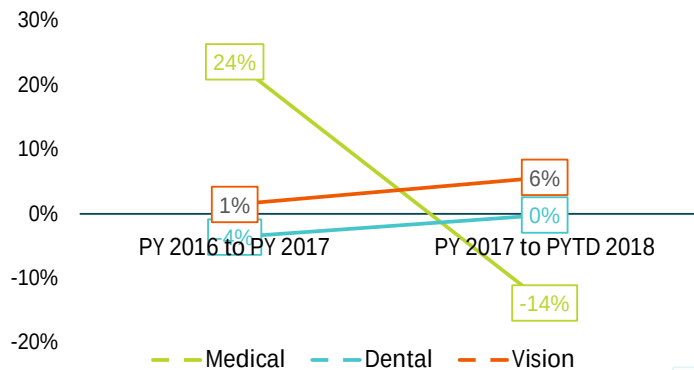
DENTAL CLAIMS

YTD vs. YTD 1%
Rolling YOY 0%

VISION CLAIMS

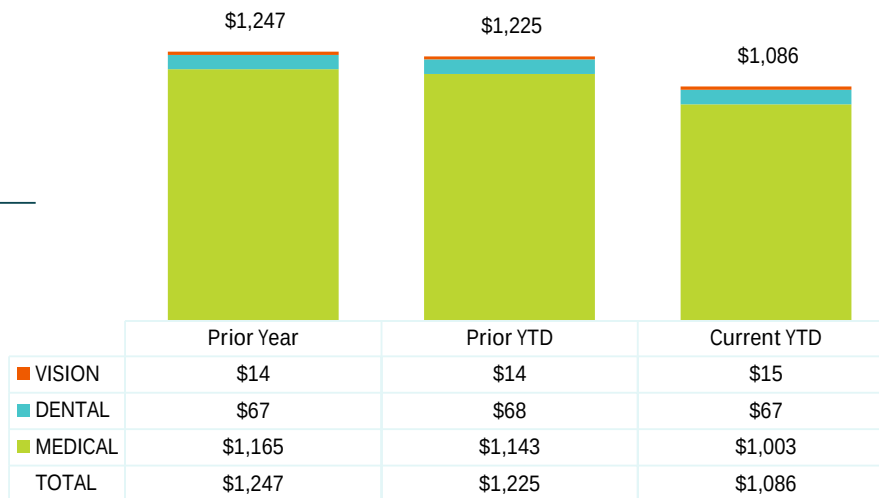
YTD vs. YTD 10%
Rolling YOY 8%

Net Employer Cost 3 Year Trend



3 Year Trend	
Medical	6%
Dental	-4%
Vision	7%

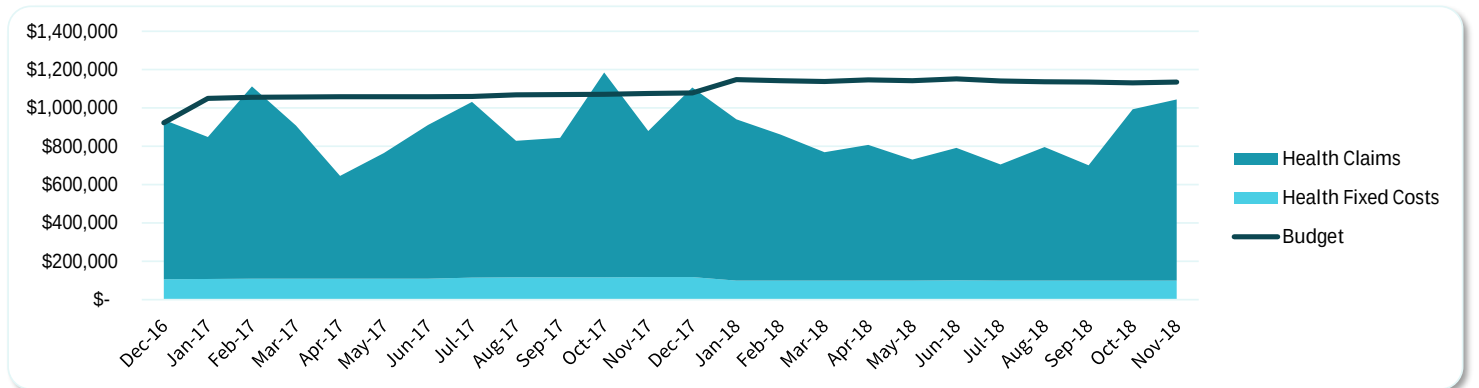
Net Employer Costs PEPM



*Expenses less employee contributions. Medical includes HSA contributions.

ABC Company Health Costs

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change		Prior Year	Prior YTD	Current YTD	Change	
	92%	86%	75%	-13%	▶	87%	85%	73%	-15%	▶
Budget										
Employee Contribution	\$ 72,861	\$ 667,544	\$ 863,684	\$ 196,140	29%	\$ 664,937	\$ 608,922	\$ 807,669	\$ 198,747	33%
Company Contribution	\$ 1,062,101	\$ 11,937,340	\$ 12,759,944	\$ 822,604	7%	\$ 12,095,175	\$ 11,073,260	\$ 11,738,029	\$ 664,769	6%
	\$ 1,134,962	\$ 12,604,884	\$ 13,623,628	\$ 1,018,744	8%	\$ 12,760,113	\$ 11,682,182	\$ 12,545,698	\$ 863,516	7%
Total Expenses										
Fixed Costs	\$ 111,447	\$ 1,164,603	\$ 1,329,408	\$ 164,805	14%	\$ 1,174,065	\$ 1,071,541	\$ 1,226,884	\$ 155,343	14%
Claims	\$ 1,016,341	\$ 10,306,410	\$ 10,012,129	\$ (294,282)	-3%	\$ 10,598,203	\$ 9,475,267	\$ 8,889,193	\$ (586,075)	-6%
Stop Loss Adjustment	\$ (72,262)	\$ (749,364)	\$ (978,690)			\$ (883,689)	\$ (749,364)	\$ (844,366)		
Total Claims	\$ 944,079	\$ 9,557,046	\$ 9,033,438	\$ (523,608)	-5%	\$ 9,714,514	\$ 8,725,903	\$ 8,044,827	\$ (681,076)	-8%
	\$ 1,055,526	\$ 10,721,648	\$ 10,362,846	\$ (358,803)	-3%	\$ 10,888,579	\$ 9,797,444	\$ 9,271,711	\$ (525,733)	-5%
Additional Expenses or Adjustments										
HSA Contribution	\$ 29,175	\$ 271,575	\$ 342,900	\$ 71,325	26%	\$ 278,550	\$ 254,700	\$ 319,050	\$ 64,350	25%
Additional Expenses	\$ 6,125	\$ 178,649	\$ 82,591	\$ (96,058)	-54%	\$ 180,510	\$ 165,179	\$ 67,259	\$ (97,920)	-59%
Rx Rebate Estimate	\$ (17,999)	\$ -	\$ (198,134)	\$ (198,134)		\$ -	\$ -	\$ (198,134)	\$ (198,134)	
Net Employer Spend	\$ 999,966	\$ 10,512,518	\$ 9,726,518	\$ (786,000)	-7%	\$ 10,686,858	\$ 9,608,401	\$ 8,652,216	\$ (956,184)	-10%
Additional Accrued Expenses										
ACA Fees	\$ 374	included in ER Spend \$ 4,484				included in ER Spend \$ 3,804	\$ 3,804	\$ 4,133	\$ 328	9%
Change in Reserves	\$ 89,000	\$ 96,000	\$ 126,000			\$ 270,000	\$ (8,000)	\$ (152,000)		
Total Employer Liability	\$ 1,089,341	\$ 10,608,518	\$ 9,857,002	\$ (751,516)	-7%	\$ 10,956,858	\$ 9,604,205	\$ 8,504,349	\$ (1,099,856)	-11%

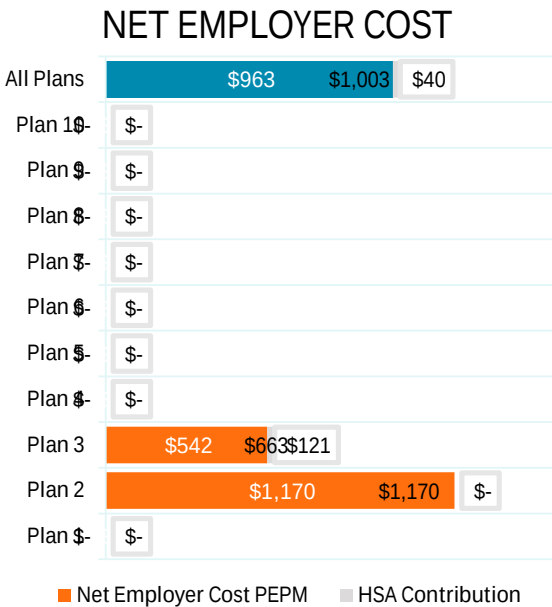
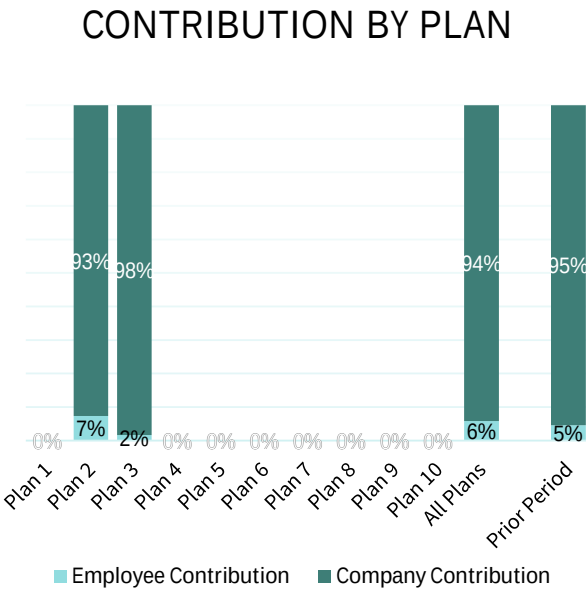
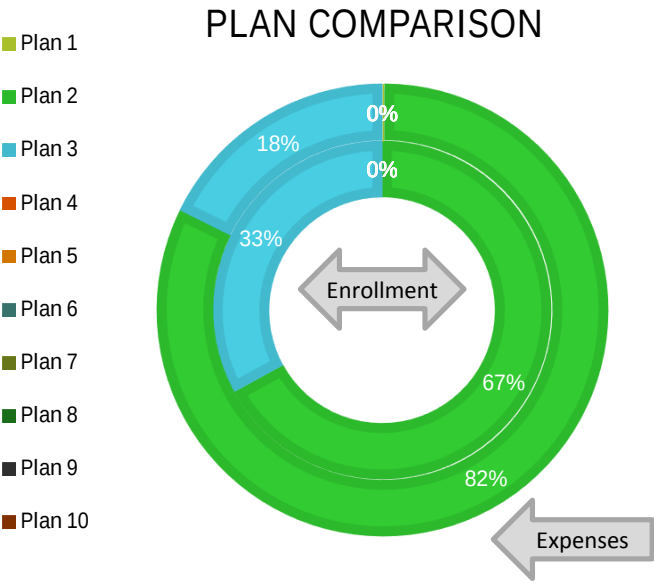


ABC Company Health Costs PEPM

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change		Prior Year	Prior YTD	Current YTD	Change	
	92%	86%	75%	-13%	▲	87%	85%	73%	-15%	▲
Employee Count	724	711	725	13	2%	714	713	725	12	2%
Member Count	1,826	1,834	1,836	2	0%	1,839	1,836	1,833	-4	0%
Member / Employee Ratio	3/1	3/1	3/1			3/1	3/1	3/1		
Budget										
Employee Contribution	\$ 101	\$ 78	\$ 99	\$ 21	27% ●	\$ 78	\$ 78	\$ 101	\$ 24	31% ●
Company Contribution	\$ 1,467	\$ 1,398	\$ 1,467	\$ 69	5% ●	\$ 1,411	\$ 1,412	\$ 1,473	\$ 61	4% ●
Total Budget	\$ 1,568	\$ 1,477	\$ 1,566	\$ 90	6% ●	\$ 1,489	\$ 1,490	\$ 1,574	\$ 85	6% ●
Total Expenses										
Fixed Costs	\$ 154	\$ 136	\$ 153	\$ 16	12% ●	\$ 137	\$ 137	\$ 154	\$ 17	13% ●
Claims	\$ 1,404	\$ 1,207	\$ 1,151	\$ (56)	-5% ●	\$ 1,237	\$ 1,208	\$ 1,115	\$ (93)	-8% ●
Stop Loss Adjustment	\$ (100)	\$ (88)	\$ (113)			\$ (103)	\$ (96)	\$ (106)		
Total Claims	\$ 1,304	\$ 1,119	\$ 1,039	\$ (81)	-7% ●	\$ 1,133	\$ 1,113	\$ 1,009	\$ (103)	-9% ●
	\$ 1,458	\$ 1,256	\$ 1,191	\$ (64)	-5% ●	\$ 1,270	\$ 1,249	\$ 1,163	\$ (86)	-7% ●
Additional Expenses or Adjustments										
HSA Contribution	\$ 40	\$ 32	\$ 39	\$ 8	24% ●	\$ 32	\$ 32	\$ 40	\$ 8	23% ●
Additional Expenses	\$ 8	\$ 21	\$ 9	\$ (11)	-55% ●	\$ 21	\$ 21	\$ 8	\$ (13)	-60% ●
Rx Rebate Estimate	\$ (25)	\$ -	\$ (23)	\$ (23)		\$ -	\$ -	\$ (25)	\$ (25)	
Net Employer Spend	\$ 1,381	\$ 1,231	\$ 1,118	\$ (113)	-9% ●	\$ 1,247	\$ 1,225	\$ 1,086	\$ (139)	-11% ●
Additional Accrued Expenses										
ACA Fees	\$ 1	included in ER Spend		\$ 1		included in ER Spend		\$ 0	\$ 1	\$ 0 7% ●
Change in Reserves	\$ 123	\$ 11	\$ 14			\$ 32	\$ (1)	\$ (19)		
Total Employer Liability	\$ 1,505	\$ 1,243	\$ 1,133	\$ (109)	-9% ●	\$ 1,278	\$ 1,225	\$ 1,067	\$ (158)	-13% ●

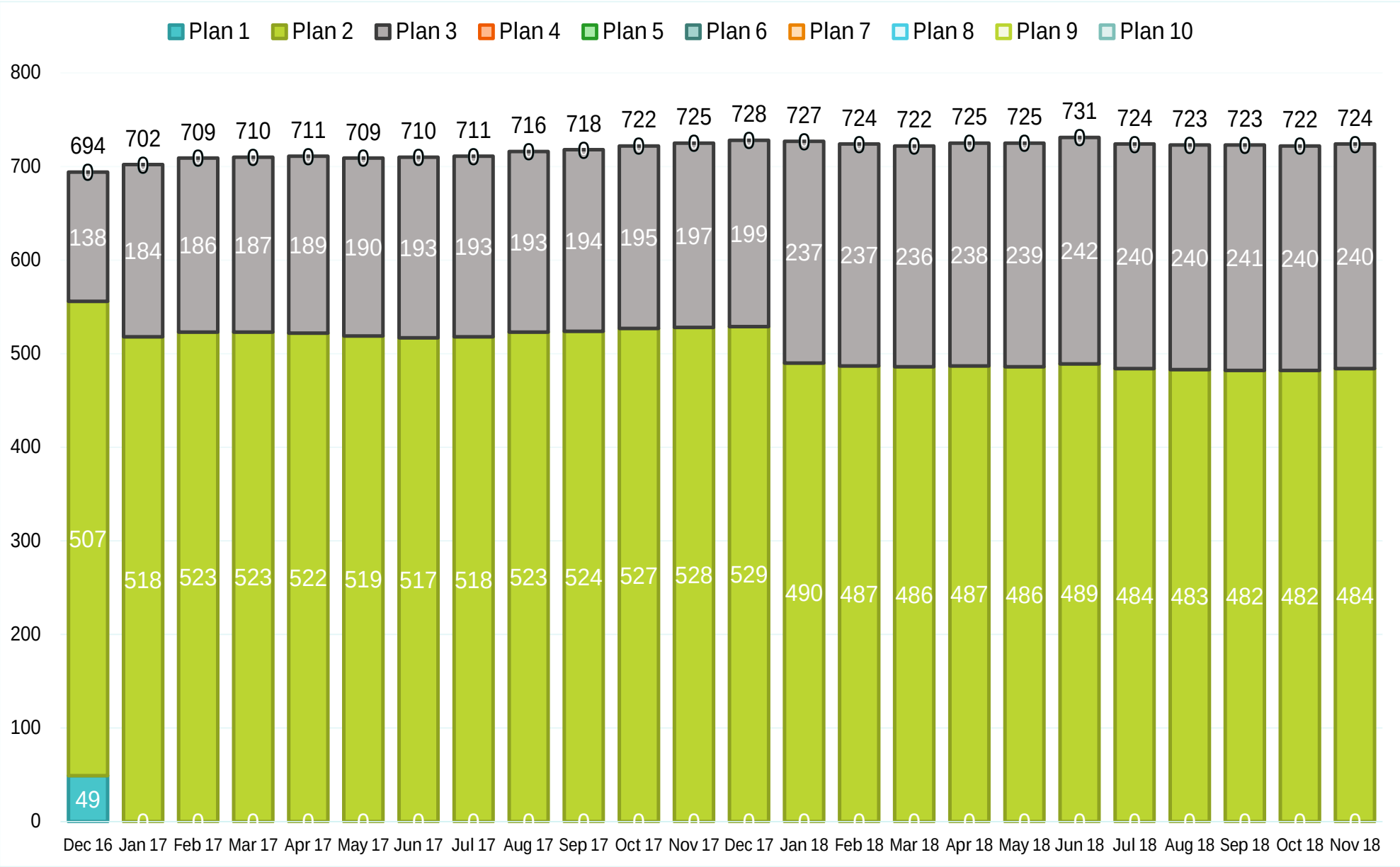
ABC Company Medical Plan Overview

Reporting Period: Plan Year to Date



	Enrollment	Budget	PEPM	Expenses	PEPM	% of Budget	Employee Contribution	PEPM	Company Contribution	PEPM	Net Employer Cost PEPM
Plan 1	0	\$ -	--	\$ 5,699	--	--	\$ -	--	\$ -	--	--
Plan 2	485	\$ 8,509,544	\$ 1,594	\$ 6,871,469	\$ 1,287	81%	\$ 626,300	\$ 117	\$ 7,883,244	\$ 1,476	\$ 1,170
Plan 3	239	\$ 3,173,414	\$ 1,207	\$ 1,476,980	\$ 562	47%	\$ 51,714	\$ 20	\$ 3,121,700	\$ 1,187	\$ 542
Plan 4	0	\$ -	--	\$ -	--	--	\$ -	--	\$ -	--	--
Plan 5	0	\$ -	--	\$ -	--	--	\$ -	--	\$ -	--	--
Plan 6	0	\$ -	--	\$ -	--	--	\$ -	--	\$ -	--	--
Plan 7	0	\$ -	--	\$ -	--	--	\$ -	--	\$ -	--	--
Plan 8	0	\$ -	--	\$ -	--	--	\$ -	--	\$ -	--	--
Plan 9	0	\$ -	--	\$ -	--	--	\$ -	--	\$ -	--	--
Plan 10	0	\$ -	--	\$ -	--	--	\$ -	--	\$ -	--	--
All Plans	725	\$ 11,682,958	\$ 1,466	\$ 8,354,148	\$ 1,048	72%	\$ 678,014	\$ 85	\$ 11,004,944	\$ 1,381	\$ 963
Prior Period	713	\$ 10,846,285	\$ 1,383	\$ 9,203,138	\$ 1,173	85%	\$ 494,183	\$ 63	\$ 10,352,102	\$ 1,320	\$ 1,110
Δ	2%	8%	6%	-9%	-11%	-16%	37%	35%	6%	5%	-13%

ABC Company Medical Enrollment Trend



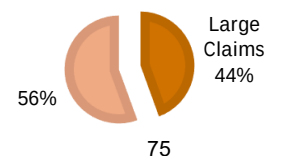
12 Month Change -1% 24 Month Change 4%

ABC Company Medical Costs

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change		Prior Year	Prior YTD	Current YTD	Change	
	94%	86%	74%	-14%	▶	86%	85%	72%	-16%	▶
Budget										
Employee Contribution	\$ 61,179	\$ 546,184	\$ 723,373	\$ 177,190	32%	\$ 539,543	\$ 494,183	\$ 678,014	\$ 183,831	37%
Company Contribution	\$ 995,883	\$ 11,153,370	\$ 11,959,907	\$ 806,537	7%	\$ 11,307,064	\$ 10,352,102	\$ 11,004,944	\$ 652,843	6%
Total Budget	\$ 1,057,062	\$ 11,699,553	\$ 12,683,280	\$ 983,727	8%	\$ 11,846,607	\$ 10,846,285	\$ 11,682,958	\$ 836,674	8%
Total Expenses										
Fixed Costs	\$ 107,505	\$ 1,118,469	\$ 1,281,984	\$ 163,515	15%	\$ 1,127,240	\$ 1,028,693	\$ 1,183,437	\$ 154,744	15%
Medical Claims	\$ 726,883	\$ 7,386,480	\$ 6,886,082	\$ (500,398)	-7%	\$ 7,669,733	\$ 6,813,932	\$ 6,030,281	\$ (783,651)	-12%
Pharmacy Claims	\$ 239,096	\$ 2,136,180	\$ 2,318,148	\$ 181,968	9%	\$ 2,147,177	\$ 1,944,699	\$ 2,115,670	\$ 170,971	9%
Stop Loss Adjustment	\$ (72,262)	\$ (749,364)	\$ (978,690)			\$ (883,689)	\$ (749,364)	\$ (844,366)		
Total Claims	\$ 893,718	\$ 8,773,296	\$ 8,225,540	\$ (547,756)	-6%	\$ 8,933,221	\$ 8,009,267	\$ 7,301,586	\$ (707,681)	-9%
	\$ 1,001,223	\$ 9,891,765	\$ 9,507,524	\$ (384,240)	-4%	\$ 10,060,461	\$ 9,037,960	\$ 8,485,023	\$ (552,937)	-6%
Additional Expenses or Adjustments										
HSA Contribution	\$ 29,175	\$ 271,575	\$ 342,900	\$ 71,325	26%	\$ 278,550	\$ 254,700	\$ 319,050	\$ 64,350	25%
Additional Expenses	\$ 6,125	\$ 178,649	\$ 82,591	\$ (96,058)	-54%	\$ 180,510	\$ 165,179	\$ 67,259	\$ (97,920)	-59%
Rx Rebate Estimate	\$ (17,999)	\$ -	\$ (198,134)	\$ (198,134)		\$ -	\$ -	\$ (198,134)	\$ (198,134)	
Net Employer Spend	\$ 957,346	\$ 9,803,995	\$ 9,011,508	\$ (792,487)	-8%	\$ 9,984,135	\$ 8,963,655	\$ 7,995,184	\$ (968,471)	-11%
Additional Accrued Expenses										
ACA Fees	\$ 374	<i>included in ER Spend</i> \$ 4,484				<i>included in ER Spend</i> \$ 3,804	\$ 3,804	\$ 4,133	\$ 328	9%
Change in Reserves	\$ 90,000	\$ 95,000	\$ 129,000			\$ 269,000	\$ (6,000)	\$ (146,000)		
Total Employer Liability	\$ 1,047,720	\$ 9,898,995	\$ 9,144,992	\$ (754,003)	-8%	\$ 10,253,135	\$ 8,961,460	\$ 7,853,317	\$ (1,108,143)	-12%

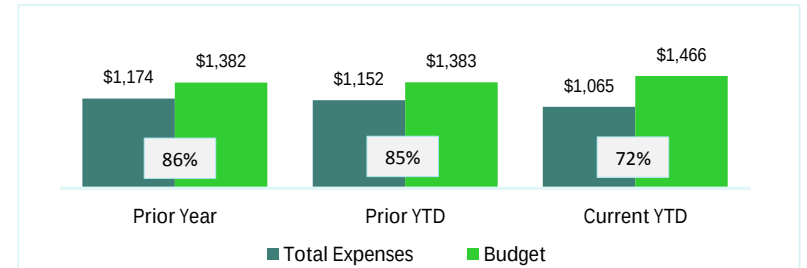
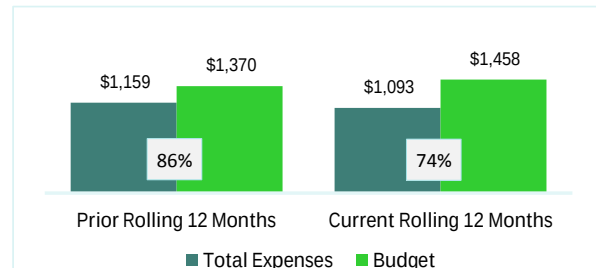
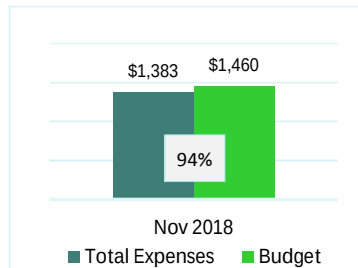
Top Large Claims > \$25,000 | PYTD 2019

1	Diag 1	\$ 623,169	Total Count > \$25,000	10
2	Diag 2	\$ 415,967		
3	Diag 3	\$ 346,202	Sum Large Claims > \$25,000	\$ 3,245,844
4	0	\$ 335,712	% Total Claims	44%
5	0	\$ 308,323		
6	0	\$ 279,290		
7	0	\$ 245,129		
8	0	\$ 244,975		
9	0	\$ 225,220		
10	0	\$ 221,857		



ABC Company Medical Costs PEPM

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change		Prior Year	Prior YTD	Current YTD	Change	
	94%	86%	74%	-14%	▲	86%	85%	72%	-16%	▲
Employee Count	724	711	725	13	2%	714	713	725	12	2%
Member Count	1,826	1,834	1,836	2	0%	1,839	1,836	1,833	-4	0%
Member / Employee Ratio	3/1	3/1	3/1			3/1	3/1	3/1		
Budget										
Employee Contribution	\$ 85	\$ 64	\$ 83	\$ 19	30% ●	\$ 63	\$ 63	\$ 85	\$ 22	35% ●
Company Contribution	\$ 1,376	\$ 1,306	\$ 1,375	\$ 69	5% ●	\$ 1,319	\$ 1,320	\$ 1,381	\$ 61	5% ●
Total Budget	\$ 1,460	\$ 1,370	\$ 1,458	\$ 88	6% ●	\$ 1,382	\$ 1,383	\$ 1,466	\$ 83	6% ●
Total Expenses										
Fixed Costs	\$ 148	\$ 131	\$ 147	\$ 16	12% ●	\$ 132	\$ 131	\$ 148	\$ 17	13% ●
Medical Claims	\$ 1,004	\$ 865	\$ 792	\$ (74)	-9% ●	\$ 895	\$ 869	\$ 757	\$ (112)	-13% ●
Pharmacy Claims	\$ 330	\$ 250	\$ 267	\$ 16	7% ●	\$ 251	\$ 248	\$ 265	\$ 18	7% ●
Stop Loss Adjustment	\$ (100)	\$ (88)	\$ (113)			\$ (103)	\$ (96)	\$ (106)		
Total Claims	\$ 1,234	\$ 1,028	\$ 946	\$ (82)	-8% ●	\$ 1,042	\$ 1,021	\$ 916	\$ (105)	-10% ●
Total Expenses	\$ 1,383	\$ 1,159	\$ 1,093	\$ (66)	-6% ●	\$ 1,174	\$ 1,152	\$ 1,065	\$ (88)	-8% ●
Additional Expenses or Adjustments										
HSA Contribution	\$ 40	\$ 32	\$ 39	\$ 8	24% ●	\$ 32	\$ 32	\$ 40	\$ 8	23% ●
Additional Expenses	\$ 8	\$ 21	\$ 9	\$ (11)	-55% ●	\$ 21	\$ 21	\$ 8	\$ (13)	-60% ●
Rx Rebate Estimate	\$ (25)	\$ -	\$ (23)	\$ (23)		\$ -	\$ -	\$ (25)	\$ (25)	
Net Employer Spend	\$ 1,322	\$ 1,148	\$ 1,036	\$ (112)	-10% ●	\$ 1,165	\$ 1,143	\$ 1,003	\$ (140)	-12% ●
Additional Accrued Expenses										
ACA Fees	\$ 1	included in ER Spend \$ 1				included in ER Spend \$	\$ 0	\$ 1	\$ 0	7% ●
Change in Reserves	\$ 124	\$ 11	\$ 15			\$ 31	\$ (1)	\$ (18)		
Total Employer Liability	\$ 1,447	\$ 1,160	\$ 1,051	\$ (108)	-9% ●	\$ 1,196	\$ 1,143	\$ 985	\$ (157)	-14% ●



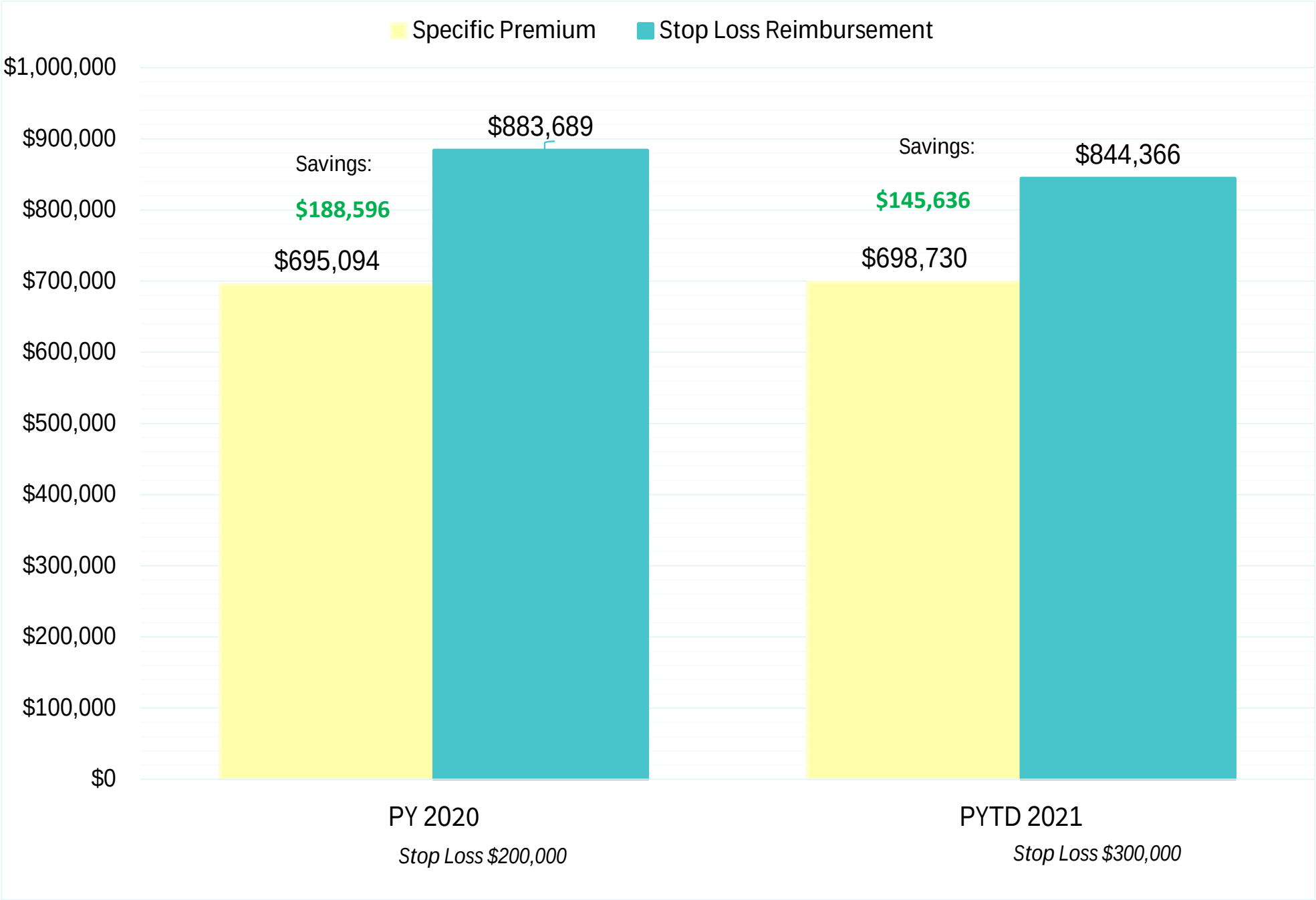
ABC Company Current Large Claims

Total Count > \$25,000: 10
Sum Large Claims > \$25,000: \$3,245,844
% Total Claims: 40%

Stop Loss Premium: \$698,730
Stop Loss Claims: \$2,295,844
Savings to Employer: \$1,597,114
Pending Reimbursements: \$2,295,844

#	Sex	Age	Rel. Flag	Highest Paid Diagnosis	Second Highest Paid Diagnosis	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Medical Paid	Pharmacy Paid	Total Paid	Stop Loss Claims	Aggregating Specific	Stop Loss Reimb. Owed	Paid by ABC Company	Reimbursed	Pending Reimburse.	Plan Design	Prior Year Claimant #	Prior Year \$	Notes	New	
1				Diag 1		\$33,052	\$23,298	\$16,516	\$33,056	\$28,169	\$45,085	\$13,119	\$42,795	\$69,896	\$173,799	\$132,383	\$12,000			\$623,169	\$528,169	\$0	\$528,169	\$95,000		\$528,169		5	\$2,500		N	
2				Diag 2		\$19,486	\$31,400	\$25,114	\$44,982	\$55,275	\$49,871	\$21,120	\$22,321	\$110,008	\$13,744	\$22,648			\$415,967	\$320,967	\$0	\$320,967	\$95,000		\$320,967						Y	
3				Diag 3		\$190	\$82,385	\$700	\$80,340	\$81,497	\$381	\$378	\$62,790	\$37,272	\$269				\$346,202	\$251,202	\$0	\$251,202	\$95,000		\$251,202						Y	
4						\$10,793	\$22,259	\$19,257	\$14,761	\$18,688	\$221,370	\$22,838	\$2,699	\$2,585	\$462				\$335,712	\$240,712	\$0	\$240,712	\$95,000		\$240,712						N	
5						\$62,479	\$16,570	\$5,950	\$26,767	\$4,726	\$77,122	\$12,187	\$27,990	\$15,762	\$12,170	\$46,601			\$308,323	\$213,323	\$0	\$213,323	\$95,000		\$213,323						N	
6							\$98		\$1,867	\$0	\$300	\$1,942	\$270,550	\$275	\$2,786	\$1,472			\$279,290	\$184,290	\$0	\$184,290	\$95,000		\$184,290						N	
7						\$13,920	\$9,816	\$201,563	\$2,099	\$2,841	\$329	\$6,184	\$760	\$3,271	\$906	\$3,439			\$245,129	\$150,129	\$0	\$150,129	\$95,000		\$150,129						N	
8						\$5,642	\$2,561	\$37,513	\$22,519	\$123,206	\$4,997	\$2,587	\$7,369	\$3,508	\$3,026	\$32,047			\$244,975	\$149,975	\$0	\$149,975	\$95,000		\$149,975						N	
9						\$14,813	\$12,159	\$17,888	\$14,566	\$12,993	\$17,710	\$691	\$4,865	\$2,793	\$121,243	\$5,498			\$225,220	\$130,220	\$0	\$130,220	\$95,000		\$130,220						N	
10						\$202	\$288	\$4,074	\$1,893	\$393	\$40,308	\$74,652	\$6,714	\$88,179	\$4,276	\$877			\$221,857	\$126,857	\$0	\$126,857	\$95,000		\$126,857						N	
11																			\$0	\$0	\$0	\$0	\$0		\$0						N	
12																			\$0	\$0	\$0	\$0	\$0		\$0						N	
13																			\$0	\$0	\$0	\$0	\$0		\$0						N	
14																			\$0	\$0	\$0	\$0	\$0		\$0						N	
15																			\$0	\$0	\$0	\$0	\$0		\$0						N	
16																			\$0	\$0	\$0	\$0	\$0		\$0						N	
17																			\$0	\$0	\$0	\$0	\$0		\$0						N	
18																			\$0	\$0	\$0	\$0	\$0		\$0						N	
19																			\$0	\$0	\$0	\$0	\$0		\$0						N	
20																			\$0	\$0	\$0	\$0	\$0		\$0						N	
21																			\$0	\$0	\$0	\$0	\$0		\$0						N	
22																			\$0	\$0	\$0	\$0	\$0		\$0						N	
23																			\$0	\$0	\$0	\$0	\$0		\$0						N	
24																			\$0	\$0	\$0	\$0	\$0		\$0						N	
25																			\$0	\$0	\$0	\$0	\$0		\$0						N	
26																			\$0	\$0	\$0	\$0	\$0		\$0						N	
27																			\$0	\$0	\$0	\$0	\$0		\$0						N	
28																			\$0	\$0	\$0	\$0	\$0		\$0						N	
29																			\$0	\$0	\$0	\$0	\$0		\$0						N	
30																			\$0	\$0	\$0	\$0	\$0		\$0						N	
31																			\$0	\$0	\$0	\$0	\$0		\$0						N	
32																			\$0	\$0	\$0	\$0	\$0		\$0						N	
33																			\$0	\$0	\$0	\$0	\$0		\$0						N	
34																			\$0	\$0	\$0	\$0	\$0		\$0						N	
35																			\$0	\$0	\$0	\$0	\$0		\$0						N	
36																			\$0	\$0	\$0	\$0	\$0		\$0						N	
37																			\$0	\$0	\$0	\$0	\$0		\$0						N	
38																			\$0	\$0	\$0	\$0	\$0		\$0						N	
39																			\$0	\$0	\$0	\$0	\$0		\$0						N	
40																			\$0	\$0	\$0	\$0	\$0		\$0						N	
41																			\$0	\$0	\$0	\$0	\$0		\$0						N	
42																			\$0	\$0	\$0	\$0	\$0		\$0						N	
43																			\$0	\$0	\$0	\$0	\$0		\$0						N	
44																			\$0	\$0	\$0	\$0	\$0		\$0						N	
45																			\$0	\$0	\$0	\$0	\$0		\$0						N	
46																			\$0	\$0	\$0	\$0	\$0		\$0						N	
47																			\$0	\$0	\$0	\$0	\$0		\$0						N	
48																			\$0	\$0	\$0	\$0	\$0		\$0						N	
49																			\$0	\$0	\$0	\$0	\$0		\$0						N	
50																			\$0	\$0	\$0	\$0	\$0		\$0						N	
51																			\$0	\$0	\$0	\$0	\$0		\$0						N	
52																			\$0	\$0	\$0	\$0	\$0		\$0					77		N

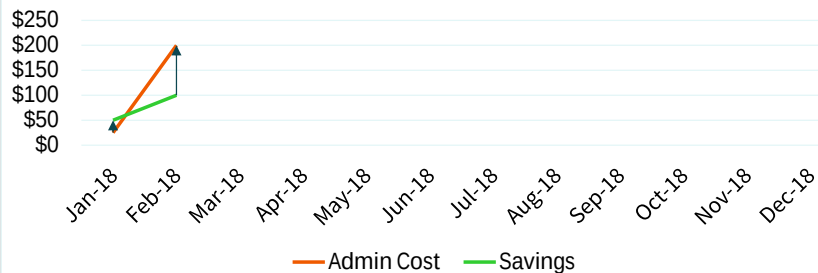
ABC Company Stop Loss Impact



Teladoc

	Admin Cost	Service Count	% Employee Utilization	Savings	ROI
Jan-18	\$25	10		\$50	
Feb-18	\$200	20		\$100	
Mar-18					
Apr-18					
May-18					
Jun-18					
Jul-18					
Aug-18					
Sep-18					
Oct-18					
Nov-18					
Dec-18					
2016	\$0	0	0%		
2017	\$0	0	0%		
2018	\$225	30	0%		

ROI



Service Count

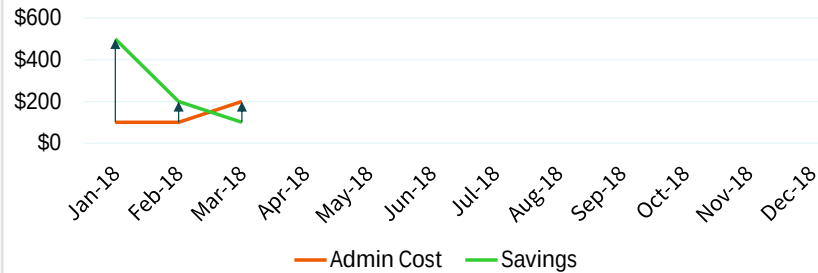


Service count based on consultations

Compass

	Admin Cost	Service Count	Individuals Assisted	% Employee Utilization	Savings	ROI
Jan-18	\$100	25			\$500	5/1
Feb-18	\$100	30			\$200	2/1
Mar-18	\$200				\$100	1/1
Apr-18						--
May-18						--
Jun-18						--
Jul-18						--
Aug-18						--
Sep-18						--
Oct-18						--
Nov-18						--
Dec-18						--
2016	\$0	0			\$0	--
2017	\$0	0			\$0	--
2018	\$400	55			\$800	2/1

ROI



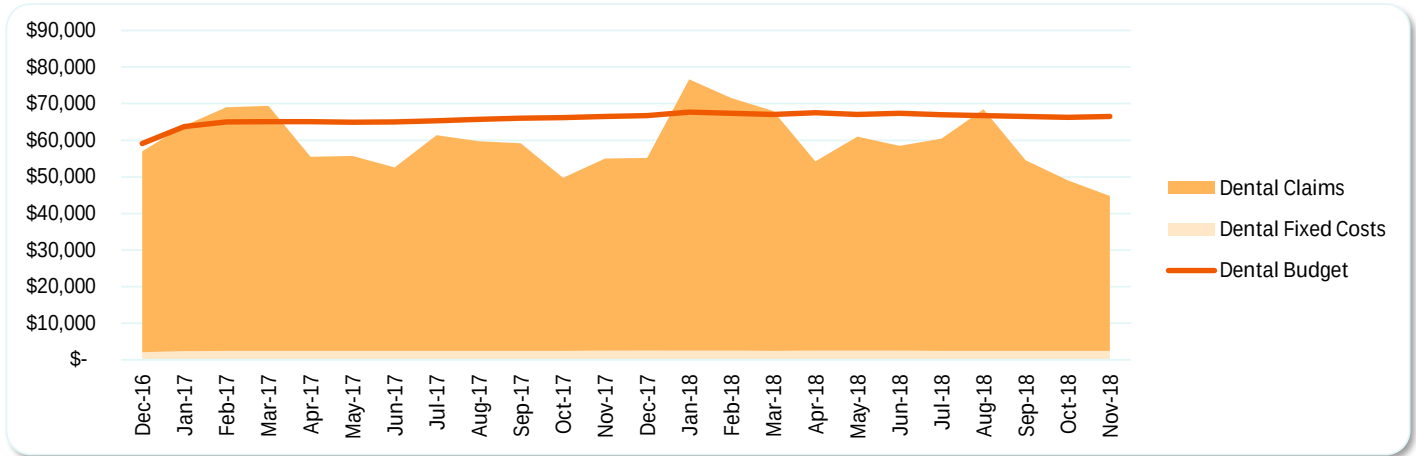
Service Count



Service count based on services performed

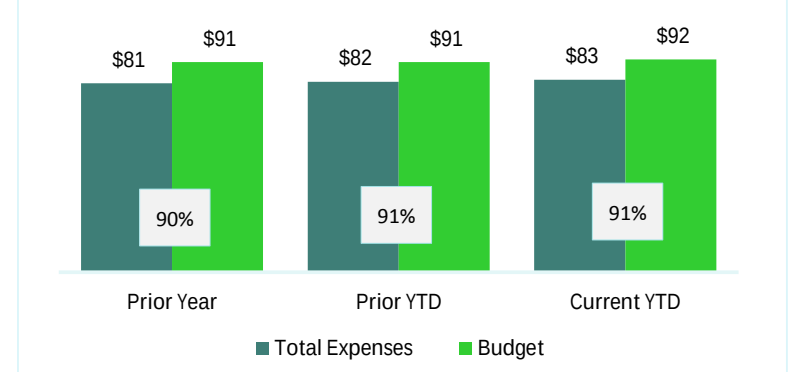
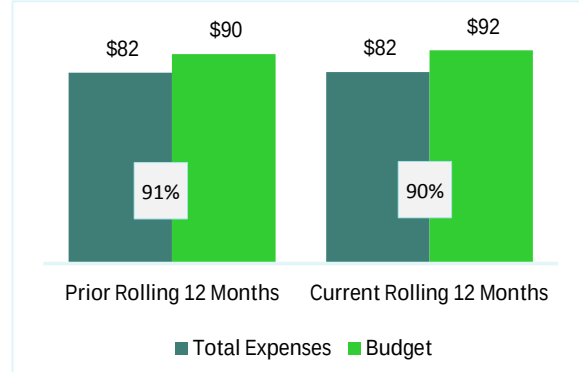
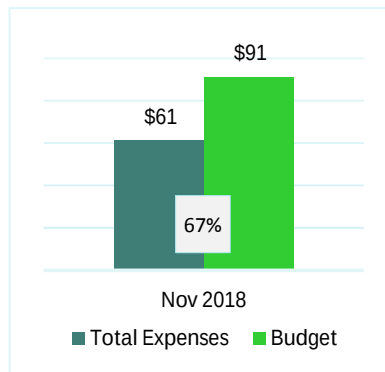
ABC Company Dental Costs

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change		Prior Year	Prior YTD	Current YTD	Change	
	67%	91%	90%	-1%	🚩	90%	91%	91%	0%	🚩
Budget										
Employee Contribution	\$ 11,682	\$ 121,360	\$ 140,311	\$ 18,951	16%	\$ 125,395	\$ 114,739	\$ 129,655	\$ 14,916	13%
Company Contribution	\$ 54,805	\$ 656,387	\$ 663,390	\$ 7,003	1%	\$ 659,990	\$ 603,907	\$ 607,306	\$ 3,399	1%
	\$ 66,487	\$ 777,747	\$ 803,701	\$ 25,953	3%	\$ 785,385	\$ 718,646	\$ 736,961	\$ 18,316	3%
Total Expenses										
Fixed Costs	\$ 2,471	\$ 28,997	\$ 29,744	\$ 747	3%	\$ 29,401	\$ 26,903	\$ 27,245	\$ 342	1%
Claims	\$ 42,297	\$ 679,174	\$ 692,542	\$ 13,368	2%	\$ 677,009	\$ 624,320	\$ 639,853	\$ 15,533	2%
Total Claims	\$ 42,297	\$ 679,174	\$ 692,542	\$ 13,368	2%	\$ 677,009	\$ 624,320	\$ 639,853	\$ 15,533	2%
	\$ 44,769	\$ 708,171	\$ 722,286	\$ 14,115	2%	\$ 706,411	\$ 651,223	\$ 667,099	\$ 15,875	2%
Net Employer Spend	\$ 33,087	\$ 586,811	\$ 581,975	\$ (4,836)	-1%	\$ 581,016	\$ 536,484	\$ 537,443	\$ 959	0%
Additional Accrued Expenses										
Change in Reserves	\$ (1,000)	\$ 1,000	\$ (3,000)			\$ 1,000	\$ -	\$ (4,000)		
Total Employer Liability	\$ 32,087	\$ 587,811	\$ 578,975	\$ (8,836)	-2%	\$ 582,016	\$ 536,484	\$ 533,443	\$ (3,041)	-1%



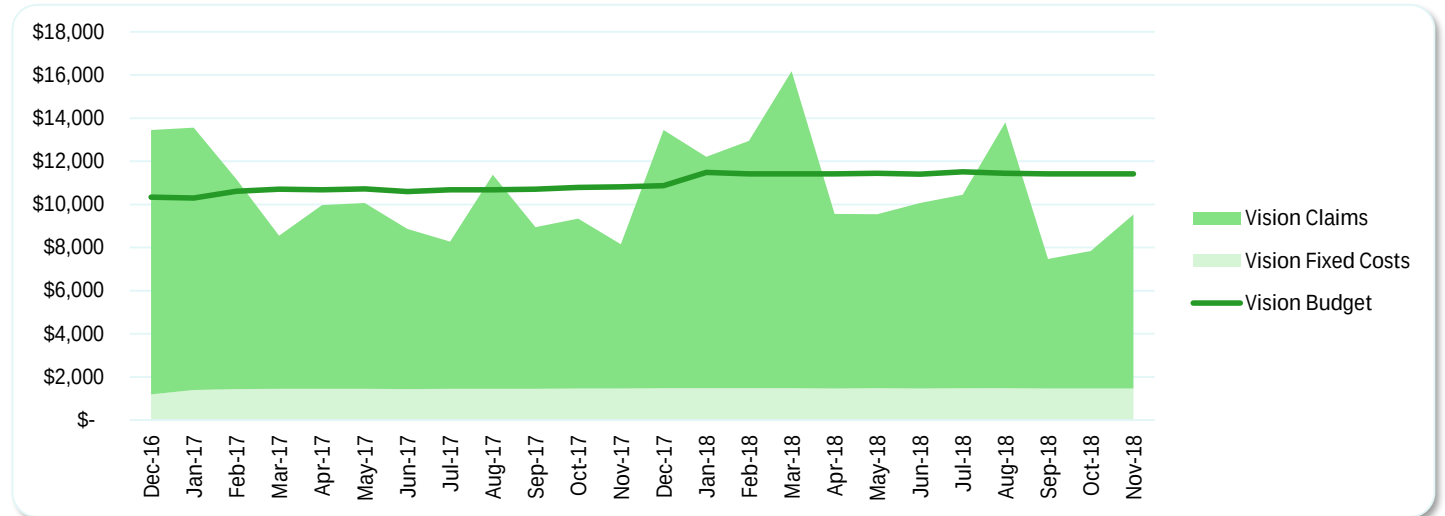
ABC Company Dental Costs PEPM

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change		Prior Year	Prior YTD	Current YTD	Change	
	67%	91%	90%	-1%	🚩	90%	91%	91%	0%	🚩
Employee Count	729	720	731	11	2%	723	721	731	9	1%
Budget										
Employee Contribution	\$ 16	\$ 14	\$ 16	\$ 2	14% 🛑	\$ 14	\$ 14	\$ 16	\$ 2	12% 🛑
Company Contribution	\$ 75	\$ 76	\$ 76	\$ (0)	0% 🟡	\$ 76	\$ 76	\$ 76	\$ (1)	-1% 🟡
	\$ 91	\$ 90	\$ 92	\$ 2	2% 🟡	\$ 91	\$ 91	\$ 92	\$ 1	1% 🟡
Total Expenses										
Fixed Costs	\$ 3	\$ 3	\$ 3	\$ 0	1% 🟡	\$ 3	\$ 3	\$ 3	\$ -	0% 🟡
Dental Claims	\$ 58	\$ 79	\$ 79	\$ 0	0% 🟡	\$ 78	\$ 79	\$ 80	\$ 1	1% 🟡
Total Claims	\$ 58	\$ 79	\$ 79	\$ 0	0% 🟡	\$ 78	\$ 79	\$ 80	\$ 1	1% 🟡
	\$ 61	\$ 82	\$ 82	\$ 0	0% 🟡	\$ 81	\$ 82	\$ 83	\$ 1	1% 🟡
Net Employer Spend	\$ 45	\$ 68	\$ 66	\$ (2)	-2% 🟡	\$ 67	\$ 68	\$ 67	\$ (1)	-1% 🟡
Additional Accrued Expenses										
Change in Reserves	\$ (1)	\$ 0	\$ (0)			\$ 0	\$ -	\$ (0)		
Total Employer Liability	\$ 44	\$ 68	\$ 66	\$ (2)	-3% 🟡	\$ 67	\$ 68	\$ 66	\$ (1)	-2% 🟡



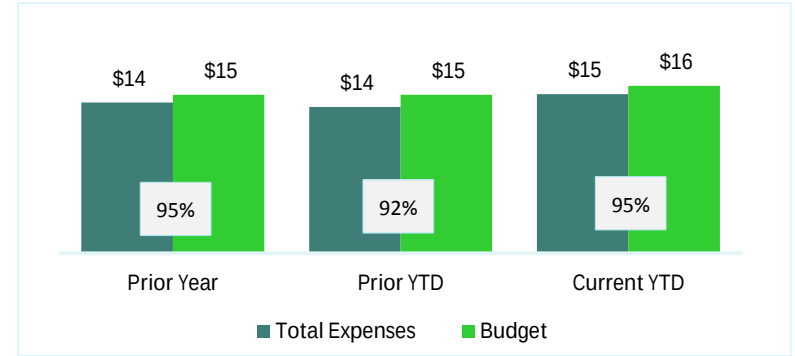
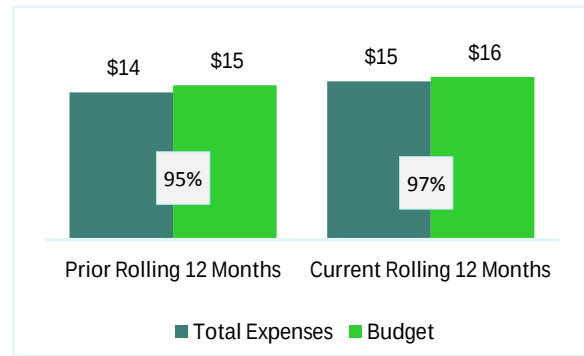
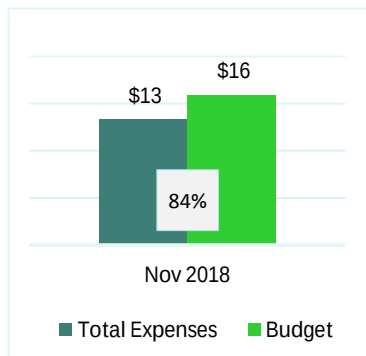
ABC Company Vision Costs

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change		Prior Year	Prior YTD	Current YTD	Change	
	84%	95%	97%	2%	🚩	95%	92%	95%	3%	🚩
Budget										
Company Contribution	\$ 11,413	\$ 127,584	\$ 136,648	\$ 9,064	7%	\$ 128,121	\$ 117,252	\$ 125,779	\$ 8,527	7%
	\$ 11,413	\$ 127,584	\$ 136,648	\$ 9,064	7%	\$ 128,121	\$ 117,252	\$ 125,779	\$ 8,527	7%
Total Expenses										
Fixed Costs	\$ 1,470	\$ 17,137	\$ 17,679	\$ 543	3%	\$ 17,423	\$ 15,945	\$ 16,201	\$ 256	2%
Claims	\$ 8,064	\$ 104,576	\$ 115,356	\$ 10,780	10%	\$ 104,284	\$ 92,316	\$ 103,388	\$ 11,072	12%
Total Claims	\$ 8,064	\$ 104,576	\$ 115,356	\$ 10,780	10%	\$ 104,284	\$ 92,316	\$ 103,388	\$ 11,072	12%
	\$ 9,534	\$ 121,713	\$ 133,035	\$ 11,323	9%	\$ 121,707	\$ 108,261	\$ 119,589	\$ 11,328	10%
Net Employer Spend	\$ 9,534	\$ 121,713	\$ 133,035	\$ 11,323	9%	\$ 121,707	\$ 108,261	\$ 119,589	\$ 11,328	10%
Total Employer Liability	\$ 9,534	\$ 121,713	\$ 133,035	\$ 11,323	9%	\$ 121,707	\$ 106,261	\$ 117,589	\$ 11,328	11%

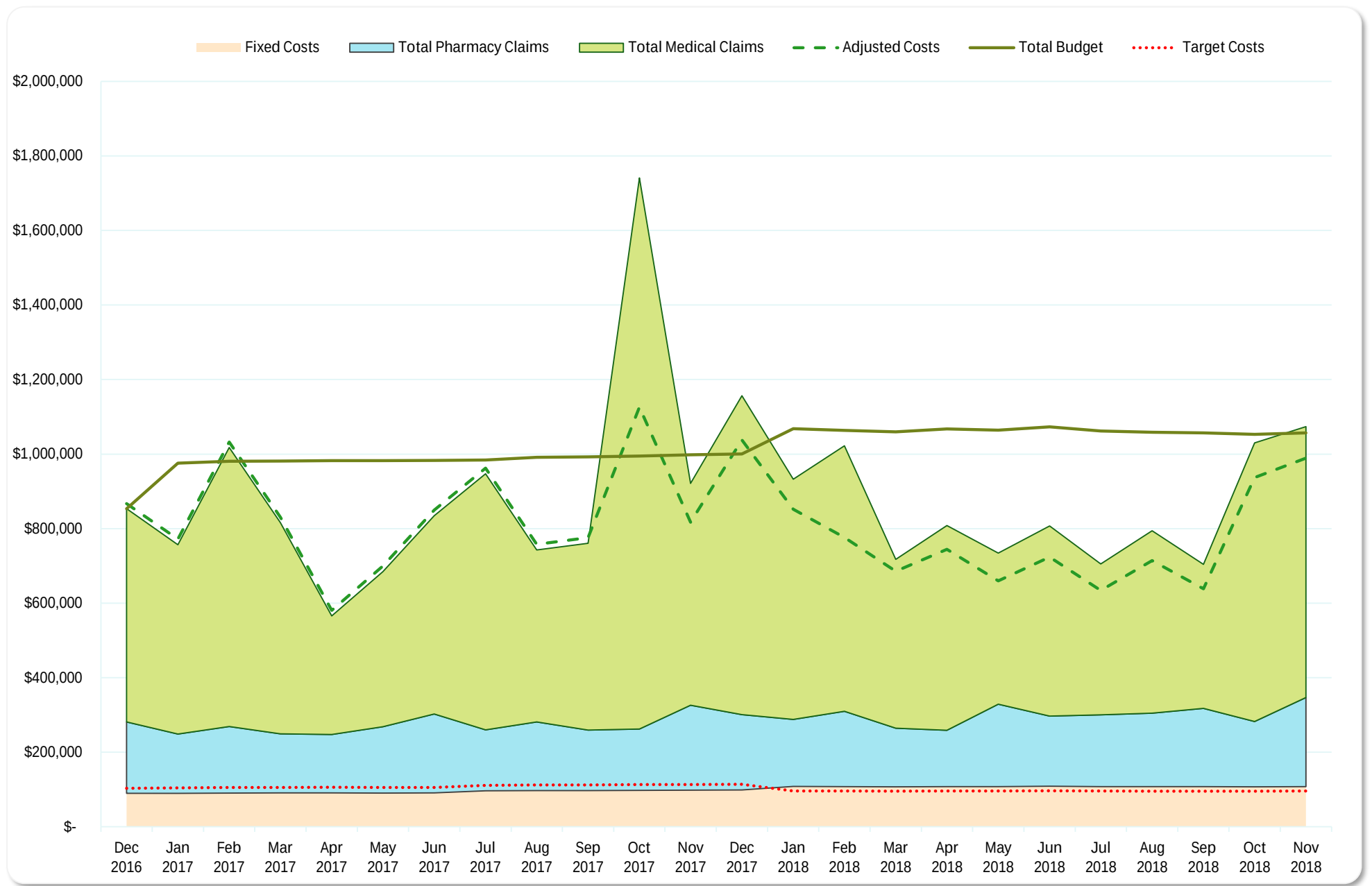


ABC Company Vision Costs PEPM

Budget vs. Expenses	Current Month - Nov 2018	Prior Rolling 12 Months	Current Rolling 12 Months	Change			Prior Year	Prior YTD	Current YTD	Change			
	84%	95%	97%	2%			95%	92%	95%	3%			
Employee Count	717	707	719	12	2%		708	707	718	11	2%		
Budget													
Company Contribution	\$ 16	\$ 15	\$ 16	\$ 1	5%	●	\$ 15	\$ 15	\$ 16	\$ 1	6%	●	
	\$ 16	\$ 15	\$ 16	\$ 1	5%	●	\$ 15	\$ 15	\$ 16	\$ 1	6%	●	
Total Expenses													
Fixed Costs	\$ 2	\$ 2	\$ 2	\$ 0	1%	●	\$ 2	\$ 2	\$ 2	\$ -	0%	●	
Vision Claims	\$ 11	\$ 12	\$ 13	\$ 1	8%	●	\$ 12	\$ 12	\$ 13	\$ 1	10%	●	
Total Claims	\$ 11	\$ 12	\$ 13	\$ 1	8%	●	\$ 12	\$ 12	\$ 13	\$ 1	10%	●	
	\$ 13	\$ 14	\$ 15	\$ 1	7%	●	\$ 14	\$ 14	\$ 15	\$ 1	9%	●	
Net Employer Spend	\$ 13	\$ 14	\$ 15	\$ 1	7%	●	\$ 14	\$ 14	\$ 15	\$ 1	9%	●	
Total Employer Liability	\$ 13	\$ 14	\$ 15	\$ 1	7%	●	\$ 14	\$ 14	\$ 15	\$ 1	9%	●	



ABC Company Monthly Medical Trend



Expense YOY Trend				Change	
PEPM Prior 12	\$1,159	PEPM Current 12	\$1,093	-6%	
		PEPM Current 24	\$1,126		

	Enrollment		Budget					Fixed Costs				Claims				Expenses		Budget vs. Expenses	
Time Period	Employee Count	Member Count	Employee Contr.	Company Contr.	Total Budget	PEPM	Company HSA Contr.	Admin Fees	Agg. & Stop Loss Premium	Add'l Costs	Fixed Costs	Claims	Stop Loss Reimb.	Total Claims	PEPM	Total Expenses	PEPM	Surplus / Deficit	Budget vs. Expenses
Rolling 24 Months	17,235	44,033	\$ 1,531,228	\$ 24,697,284	\$ 26,228,513	\$ 1,522	\$ 614,475	\$ 1,021,341	\$ 1,472,669	\$ 63,105	\$ 2,557,115	\$ 20,318,539	\$ (1,728,055)	\$ 18,590,484	\$ 1,079	\$ 21,147,599	\$ 1,227	\$ 5,080,913	81%
Prior 12 Months	8,537	22,006	\$ 667,544	\$ 11,937,340	\$ 12,604,884	\$ 1,477	\$ 271,575	\$ 454,488	\$ 710,115	\$ 178,649	\$ 1,343,251	\$ 10,306,410	\$ (749,364)	\$ 9,557,046	\$ 1,119	\$ 10,900,297	\$ 1,277	\$ 1,704,587	86%
Rolling 12 Months	8,698	22,027	\$ 863,684	\$ 12,759,944	\$ 13,623,628	\$ 1,566	\$ 342,900	\$ 566,854	\$ 762,554	\$ (115,544)	\$ 1,213,864	\$ 10,012,129	\$ (978,690)	\$ 9,033,438	\$ 1,039	\$ 10,247,302	\$ 1,178	\$ 3,376,326	75%
PY 2016	8,278	21,502	\$ 707,656	\$ 10,319,122	\$ 11,026,778	\$ 1,332	\$ 199,125	\$ 449,212	\$ 682,600	\$ 161,445	\$ 1,293,257	\$ 8,726,401	\$ (1,012,786)	\$ 7,713,615	\$ 932	\$ 9,006,872	\$ 1,088	\$ 2,019,906	82%
PY 2017	8,571	22,067	\$ 664,937	\$ 12,095,175	\$ 12,760,113	\$ 1,489	\$ 278,550	\$ 455,591	\$ 718,474	\$ 180,510	\$ 1,354,575	\$ 10,598,203	\$ (883,689)	\$ 9,714,514	\$ 1,133	\$ 11,069,089	\$ 1,291	\$ 1,691,023	87%
PYTD 2018	7,970	20,160	\$ 807,669	\$ 11,738,029	\$ 12,545,698	\$ 1,574	\$ 28,575	\$ 528,154	\$ 698,730	\$ (130,875)	\$ 1,096,009	\$ 8,889,193	\$ (844,366)	\$ 8,044,827	\$ 1,009	\$ 9,140,836	\$ 1,147	\$ 3,404,863	73%
Month	Employee Count	Member Count	Employee Contr.	Company Contr.	Total Budget	PEPM	Company HSA Contr.	Admin Fees	Agg. & Stop Loss Premium	Add'l Costs	Fixed Costs	Claims	Stop Loss Reimb.	Total Claims	PEPM	Total Expenses	PEPM	Surplus / Deficit	Budget vs. Expenses
PY 2017																			
January 2016	689	1,796	\$ 60,259	\$ 857,833	\$ 918,092	\$ 1,332	\$ 16,275	\$ 37,443	\$ 58,579	\$ 12,790	\$ 108,812	\$ 480,484	\$ (24,336)	\$ 456,148	\$ 662	\$ 564,960	\$ 820	\$ 353,132	62%
February 2016	688	1,778	\$ 59,666	\$ 853,988	\$ 913,653	\$ 1,328	\$ 16,425	\$ 37,403	\$ 58,494	\$ 14,150	\$ 110,047	\$ 452,735	\$ (24,355)	\$ 428,380	\$ 623	\$ 538,426	\$ 783	\$ 728,359	59%
March 2016	687	1,778	\$ 59,730	\$ 854,732	\$ 914,462	\$ 1,331	\$ 16,425	\$ 37,359	\$ 58,409	\$ 13,435	\$ 109,203	\$ 673,935	\$ (71,552)	\$ 602,382	\$ 877	\$ 711,585	\$ 1,036	\$ 931,236	78%
April 2016	682	1,771	\$ 58,387	\$ 849,750	\$ 908,137	\$ 1,332	\$ 16,500	\$ 37,080	\$ 57,984	\$ 13,410	\$ 108,474	\$ 1,292,809	\$ (752,120)	\$ 540,689	\$ 793	\$ 649,163	\$ 952	\$ 1,190,210	71%
May 2016	684	1,774	\$ 58,607	\$ 853,217	\$ 911,824	\$ 1,333	\$ 16,500	\$ 37,185	\$ 58,154	\$ 13,420	\$ 108,758	\$ 640,277	\$ (60,010)	\$ 580,268	\$ 848	\$ 689,026	\$ 1,007	\$ 1,413,008	76%
June 2016	692	1,796	\$ 59,132	\$ 863,853	\$ 922,984	\$ 1,334	\$ 16,875	\$ 37,615	\$ 58,834	\$ 13,460	\$ 109,909	\$ 695,771	\$ (80,413)	\$ 615,358	\$ 889	\$ 725,267	\$ 1,048	\$ 1,610,726	79%
July 2016	692	1,794	\$ 58,510	\$ 862,613	\$ 921,124	\$ 1,331	\$ 16,800	\$ 37,477	\$ 55,305	\$ 13,460	\$ 106,242	\$ 890,599	\$ -	\$ 890,599	\$ 1,287	\$ 996,841	\$ 1,441	\$ 1,535,008	108%
August 2016	693	1,803	\$ 58,775	\$ 866,604	\$ 925,378	\$ 1,335	\$ 16,650	\$ 37,538	\$ 55,385	\$ 13,465	\$ 106,387	\$ 681,063	\$ -	\$ 681,063	\$ 983	\$ 787,450	\$ 1,136	\$ 1,672,936	85%
September 2016	692	1,805	\$ 58,753	\$ 866,014	\$ 924,767	\$ 1,336	\$ 16,575	\$ 37,481	\$ 55,305	\$ 13,460	\$ 106,245	\$ 716,657	\$ -	\$ 716,657	\$ 1,036	\$ 822,902	\$ 1,189	\$ 1,774,801	89%
October 2016	692	1,802	\$ 58,681	\$ 864,059	\$ 922,740	\$ 1,333	\$ 16,425	\$ 37,490	\$ 55,305	\$ 13,460	\$ 106,255	\$ 639,994	\$ -	\$ 639,994	\$ 925	\$ 746,249	\$ 1,078	\$ 1,951,292	81%
November 2016	693	1,799	\$ 58,535	\$ 862,380	\$ 920,915	\$ 1,329	\$ 16,800	\$ 37,545	\$ 55,385	\$ 13,465	\$ 106,394	\$ 730,935	\$ -	\$ 730,935	\$ 1,055	\$ 837,329	\$ 1,208	\$ 2,034,878	91%
December 2016	694	1,806	\$ 58,622	\$ 864,080	\$ 922,702	\$ 1,330	\$ 16,875	\$ 37,597	\$ 55,464	\$ 13,470	\$ 106,531	\$ 831,143	\$ -	\$ 831,143	\$ 1,198	\$ 937,674	\$ 1,351	\$ 2,019,906	102%
PY 2018																			
January 2017	702	1,820	\$ 54,841	\$ 994,989	\$ 1,049,830	\$ 1,495	\$ 22,500	\$ 37,262	\$ 56,104	\$ 14,784	\$ 108,150	\$ 741,006	\$ -	\$ 741,006	\$ 1,056	\$ 849,156	\$ 1,210	\$ 200,674	81%
February 2017	709	1,826	\$ 55,217	\$ 1,001,054	\$ 1,056,271	\$ 1,490	\$ 22,575	\$ 37,686	\$ 56,663	\$ 14,932	\$ 109,281	\$ 1,003,385	\$ -	\$ 1,003,385	\$ 1,415	\$ 1,112,666	\$ 1,569	\$ 144,279	105%
March 2017	710	1,827	\$ 55,219	\$ 1,001,937	\$ 1,057,156	\$ 1,489	\$ 22,725	\$ 37,750	\$ 56,743	\$ 14,953	\$ 109,446	\$ 799,353	\$ -	\$ 799,353	\$ 1,126	\$ 908,799	\$ 1,280	\$ 292,636	86%
April 2017	711	1,828	\$ 55,199	\$ 1,002,928	\$ 1,058,127	\$ 1,488	\$ 22,875	\$ 37,796	\$ 56,823	\$ 14,974	\$ 109,593	\$ 536,484	\$ -	\$ 536,484	\$ 755	\$ 646,077	\$ 909	\$ 704,686	61%
May 2017	709	1,830	\$ 55,164	\$ 1,003,063	\$ 1,058,227	\$ 1,493	\$ 23,100	\$ 37,701	\$ 56,663	\$ 14,932	\$ 109,296	\$ 655,933	\$ -	\$ 655,933	\$ 925	\$ 765,230	\$ 1,079	\$ 997,683	72%
June 2017	710	1,827	\$ 55,080	\$ 1,003,473	\$ 1,058,553	\$ 1,491	\$ 23,400	\$ 37,739	\$ 56,743	\$ 14,953	\$ 109,435	\$ 801,621	\$ -	\$ 801,621	\$ 1,129	\$ 911,056	\$ 1,283	\$ 1,145,181	86%
July 2017	711	1,830	\$ 55,176	\$ 1,004,807	\$ 1,059,983	\$ 1,491	\$ 23,400	\$ 37,807	\$ 62,333	\$ 14,974	\$ 115,114	\$ 916,801	\$ -	\$ 916,801	\$ 1,289	\$ 1,031,915	\$ 1,451	\$ 1,173,249	97%
August 2017	716	1,845	\$ 55,608	\$ 1,012,231	\$ 1,067,839	\$ 1,491	\$ 23,475	\$ 38,061	\$ 62,772	\$ 15,079	\$ 115,911	\$ 712,719	\$ -	\$ 712,719	\$ 995	\$ 828,630	\$ 1,157	\$ 1,412,458	78%
September 2017	718	1,847	\$ 55,680	\$ 1,013,492	\$ 1,069,172	\$ 1,489	\$ 23,550	\$ 38,171	\$ 62,947	\$ 15,121	\$ 116,239	\$ 727,400	\$ -	\$ 727,400	\$ 1,013	\$ 843,639	\$ 1,175	\$ 1,637,991	79%
October 2017	722	1,857	\$ 55,792	\$ 1,015,900	\$ 1,071,692	\$ 1,484	\$ 23,475	\$ 38,381	\$ 63,298	\$ 15,205	\$ 116,884	\$ 1,698,447	\$ (630,270)	\$ 1,068,177	\$ 1,479	\$ 1,185,060	\$ 1,641	\$ 1,524,622	111%
November 2017	725	1,863	\$ 55,946	\$ 1,019,387	\$ 1,075,333	\$ 1,483	\$ 23,625	\$ 38,537	\$ 63,561	\$ 15,274	\$ 117,371	\$ 882,118	\$ (119,094)	\$ 763,024	\$ 1,052	\$ 880,395	\$ 1,214	\$ 1,719,560	82%
December 2017	728	1,867	\$ 56,015	\$ 1,021,915	\$ 1,077,930	\$ 1,481	\$ 23,850	\$ 38,700	\$ 63,824	\$ 15,332	\$ 117,855	\$ 1,122,936	\$ (134,325)	\$ 988,611	\$ 1,358	\$ 1,106,467	\$ 1,520	\$ 1,691,023	103%
PYTD 2019																			
January 2018	727	1,840	\$ 74,145	\$ 1,073,060	\$ 1,147,205	\$ 1,578	\$ 28,575	\$ 48,179	\$ 63,736	\$ (12,090)	\$ 99,825	\$ 909,547	\$ (68,683)	\$ 840,864	\$ 1,157	\$ 940,689	\$ 1,294	\$ 206,516	82%
February 2018	724	1,835	\$ 73,802	\$ 1,068,439	\$ 1,142,240	\$ 1,578	\$ 28,575	\$ 47,983	\$ 63,473	\$ (11,874)	\$ 99,582	\$ 995,138	\$ (234,038)	\$ 761,100	\$ 1,051	\$ 860,682	\$ 1,189	\$ 488,075	75%
March 2018	722	1,831	\$ 73,489	\$ 1,064,915	\$ 1,138,404	\$ 1,577	\$ 28,575	\$ 47,854	\$ 63,298	\$ (11,841)	\$ 99,311	\$ 690,549	\$ (20,256)	\$ 670,293	\$ 928	\$ 769,603	\$ 1,066	\$ 856,876	68%
April 2018	725	1,839	\$ 73,911	\$ 1,072,406	\$ 1,146,318	\$ 1,581	\$ 28,950	\$ 48,042	\$ 63,561	\$ (11,890)	\$ 99,713	\$ 760,461	\$ (52,159)	\$ 708,302	\$ 977	\$ 808,015	\$ 1,115	\$ 1,195,179	70%
May 2018	725	1,831	\$ 73,554	\$ 1,068,875	\$ 1,142,429	\$ 1,576	\$ 29,025	\$ 48,047	\$ 63,561	\$ (11,890)	\$ 99,718	\$ 693,485	\$ (62,833)	\$ 630,651	\$ 870	\$ 730,369	\$ 1,007	\$ 1,607,239	64%
June 2018	731	1,851	\$ 74,098	\$ 1,077,712	\$ 1,151,810	\$ 1,576	\$ 29,325	\$ 48,410	\$ 64,087	\$ (11,988)	\$ 100,509	\$ 762,936	\$ (71,206)	\$ 691,731	\$ 946	\$ 792,239	\$ 1,084	\$ 1,966,810	69%
July 2018	724	1,833	\$ 73,373	\$ 1,067,129	\$ 1,140,502	\$ 1,575	\$ 29,175	\$ 47,993	\$ 63,473	\$ (11,874)	\$ 99,592	\$ 664,725	\$ (59,571)	\$ 605,154	\$ 836	\$ 704,746	\$ 973	\$ 2,402,566	62%
August 2018	723	1,827	\$ 73,062	\$ 1,063,452	\$ 1,136,514	\$ 1,572	\$ 29,250	\$ 47,917	\$ 63,385	\$ (11,857)	\$ 99,445	\$ 765,342	\$ (68,305)	\$ 697,037	\$ 964	\$ 796,482	\$ 1,102	\$ 2,742,598	70%
September 2018	723	1,827	\$ 72,810	\$ 1,062,015	\$ 1,134,825	\$ 1,570	\$ 29,325	\$ 47,911	\$ 63,385	\$ (11,857)	\$ 99,439	\$ 654,894	\$ (53,802)	\$ 601,092	\$ 831	\$ 700,531	\$ 969	\$ 3,176,892	62%
October 2018	722	1,820	\$ 72,564	\$ 1,057,924	\$ 1,130,488	\$ 1,566	\$ 29,100	\$ 47,846	\$ 63,298	\$ (11,841)	\$ 99,303	\$ 975,775	\$ (81,250)	\$ 894,525	\$ 1,239	\$ 993,828	\$ 1,376	\$ 3,313,553	88%
November 2018	724	1,826	\$ 72,861	\$ 1,062,101	\$ 1,134,962	\$ 1,568	\$ 29,175	\$ 47,973	\$ 63,473	\$ (11,874)	\$ 99,573	\$ 1,016,341	\$ (72,262)	\$ 944,079	\$ 1,304	\$ 1,043,652	\$ 1,442	\$ 3,404,863	92%

	Enrollment		Budget					Fixed Costs				Claims					Expenses		Budget vs. Expenses	
Time Period	Employee Count	Member Count	Employee Contr.	Company Contr.	Total Budget	PEPM	Company HSA Contr.	Admin Fees	Agg. & Stop Loss Premium	Add'l Costs	Fixed Costs	Medical Claims	Pharmacy Claims	Stop Loss Reimb.	Total Claims	PEPM	Total Expenses	PEPM	Surplus / Deficit	Budget vs. Expenses
Rolling 24 Months	17,235	44,033	\$ 1,269,557	\$ 23,113,276	\$24,382,833	\$ 1,415	\$ 614,475	\$ 927,785	\$ 1,472,669	\$ 63,105	\$ 2,463,559	\$ 14,272,562	\$ 4,454,328	\$ (1,728,055)	\$16,998,835	\$ 986	\$19,462,394	\$ 1,129	\$ 4,920,439	80%
Prior 12 Months	8,537	22,006	\$ 546,184	\$ 11,153,370	\$11,699,553	\$ 1,370	\$ 271,575	\$ 408,354	\$ 710,115	\$ 178,649	\$1,297,118	\$ 7,386,480	\$ 2,136,180	\$ (749,364)	\$ 8,773,296	\$ 1,028	\$10,070,413	\$ 1,180	\$ 1,629,140	86%
Rolling 12 Months	8,698	22,027	\$ 723,373	\$ 11,959,907	\$12,683,280	\$ 1,458	\$ 342,900	\$ 519,431	\$ 762,554	\$ (115,544)	\$1,166,441	\$ 6,886,082	\$ 2,318,148	\$ (978,690)	\$ 8,225,540	\$ 946	\$ 9,391,981	\$ 1,080	\$ 3,291,299	74%
PY 2016	8,278	21,502	\$ 628,950	\$ 9,571,579	\$10,200,529	\$ 1,232	\$ 199,125	\$ 410,127	\$ 682,600	\$ 161,445	\$1,254,172	\$ 6,175,849	\$ 1,810,047	\$ (1,012,786)	\$ 6,973,109	\$ 842	\$ 8,227,282	\$ 994	\$ 1,973,247	81%
PY 2017	8,571	22,067	\$ 539,543	\$ 11,307,064	\$11,846,607	\$ 1,382	\$ 278,550	\$ 408,766	\$ 718,474	\$ 180,510	\$1,307,751	\$ 7,669,733	\$ 2,147,177	\$ (883,689)	\$ 8,933,221	\$ 1,042	\$10,240,971	\$ 1,195	\$ 1,605,635	86%
PYTD 2018	7,970	20,160	\$ 678,014	\$ 11,004,944	\$11,682,958	\$ 1,466	\$ 319,050	\$ 484,707	\$ 698,730	\$ (130,875)	\$1,052,562	\$ 6,030,281	\$ 2,115,670	\$ (844,366)	\$ 7,301,586	\$ 916	\$ 8,354,148	\$ 1,048	\$ 3,328,810	72%

Month	Employee Count	Member Count	Employee Contr.	Company Contr.	Total Budget	PEPM	Company HSA Contr.	Admin Fees	Agg. & Stop Loss Premium	Add'l Costs	Fixed Costs	Medical Claims	Pharmacy Claims	Stop Loss Reimb.	Total Claims	PEPM	Total Expenses	PEPM	Surplus / Deficit	Budget vs. Expenses
PY 2017																				
January 2016	689	1,796	\$ 53,787	\$ 795,982	\$ 849,769	\$ 1,233	\$ 16,275	\$ 34,207	\$ 58,579	\$ 12,790	\$ 105,576	\$ 329,800	\$ 83,179	\$ (24,336)	\$ 388,643	\$ 564	\$ 494,218	\$ 717	\$ 355,551	58%
February 2016	688	1,778	\$ 53,164	\$ 792,055	\$ 845,218	\$ 1,229	\$ 16,425	\$ 34,159	\$ 58,494	\$ 14,150	\$ 106,802	\$ 267,044	\$ 120,372	\$ (24,355)	\$ 363,061	\$ 528	\$ 469,863	\$ 683	\$ 730,906	56%
March 2016	687	1,778	\$ 53,215	\$ 792,717	\$ 845,932	\$ 1,231	\$ 16,425	\$ 34,109	\$ 58,409	\$ 13,435	\$ 105,953	\$ 465,437	\$ 138,990	\$ (71,552)	\$ 532,875	\$ 776	\$ 638,828	\$ 930	\$ 938,010	76%
April 2016	682	1,771	\$ 51,897	\$ 788,197	\$ 840,094	\$ 1,232	\$ 16,500	\$ 33,862	\$ 57,984	\$ 13,410	\$ 105,256	\$ 1,087,315	\$ 148,266	\$ (752,120)	\$ 483,461	\$ 709	\$ 588,717	\$ 863	\$ 1,189,387	70%
May 2016	684	1,774	\$ 52,108	\$ 791,514	\$ 843,622	\$ 1,233	\$ 16,500	\$ 33,960	\$ 58,154	\$ 13,420	\$ 105,533	\$ 449,902	\$ 138,173	\$ (60,010)	\$ 528,066	\$ 772	\$ 633,599	\$ 926	\$ 1,399,411	75%
June 2016	692	1,796	\$ 52,548	\$ 801,445	\$ 853,993	\$ 1,234	\$ 16,875	\$ 34,358	\$ 58,834	\$ 13,460	\$ 106,652	\$ 482,593	\$ 150,895	\$ (80,413)	\$ 553,075	\$ 799	\$ 659,727	\$ 953	\$ 1,593,677	77%
July 2016	692	1,794	\$ 51,917	\$ 800,114	\$ 852,032	\$ 1,231	\$ 16,800	\$ 34,212	\$ 55,305	\$ 13,460	\$ 102,977	\$ 673,461	\$ 152,067	\$ -	\$ 825,528	\$ 1,193	\$ 928,505	\$ 1,342	\$ 1,517,203	109%
August 2016	693	1,803	\$ 52,163	\$ 803,912	\$ 856,074	\$ 1,235	\$ 16,650	\$ 34,262	\$ 55,385	\$ 13,465	\$ 103,111	\$ 443,275	\$ 166,380	\$ -	\$ 609,655	\$ 880	\$ 712,766	\$ 1,029	\$ 1,660,511	83%
September 2016	692	1,805	\$ 52,159	\$ 803,443	\$ 855,602	\$ 1,236	\$ 16,575	\$ 34,212	\$ 55,305	\$ 13,460	\$ 102,977	\$ 506,711	\$ 161,196	\$ -	\$ 667,907	\$ 965	\$ 770,884	\$ 1,114	\$ 1,745,229	90%
October 2016	692	1,802	\$ 52,069	\$ 801,307	\$ 853,376	\$ 1,233	\$ 16,425	\$ 34,212	\$ 55,305	\$ 13,460	\$ 102,977	\$ 438,809	\$ 145,694	\$ -	\$ 584,503	\$ 845	\$ 687,480	\$ 993	\$ 1,911,124	81%
November 2016	693	1,799	\$ 51,923	\$ 799,625	\$ 851,548	\$ 1,229	\$ 16,800	\$ 34,262	\$ 55,385	\$ 13,465	\$ 103,111	\$ 458,953	\$ 213,354	\$ -	\$ 672,307	\$ 970	\$ 775,418	\$ 1,119	\$ 1,987,254	91%
December 2016	694	1,806	\$ 52,001	\$ 801,268	\$ 853,269	\$ 1,229	\$ 16,875	\$ 34,311	\$ 55,464	\$ 13,470	\$ 103,246	\$ 572,548	\$ 191,481	\$ -	\$ 764,029	\$ 1,101	\$ 867,275	\$ 1,250	\$ 1,973,247	102%

PY 2018																				
January 2017	702	1,820	\$ 44,663	\$ 931,120	\$ 975,783	\$ 1,390	\$ 22,500	\$ 33,475	\$ 56,104	\$ 14,784	\$ 104,363	\$ 508,335	\$ 158,895	\$ -	\$ 667,230	\$ 950	\$ 771,593	\$ 1,099	\$ 204,190	79%
February 2017	709	1,826	\$ 44,836	\$ 935,804	\$ 980,640	\$ 1,383	\$ 22,575	\$ 33,809	\$ 56,663	\$ 14,932	\$ 105,404	\$ 748,857	\$ 178,235	\$ -	\$ 927,092	\$ 1,308	\$ 1,032,496	\$ 1,456	\$ 152,334	105%
March 2017	710	1,827	\$ 44,823	\$ 936,520	\$ 981,343	\$ 1,382	\$ 22,725	\$ 33,857	\$ 56,743	\$ 14,953	\$ 105,553	\$ 566,405	\$ 158,886	\$ -	\$ 725,291	\$ 1,022	\$ 830,844	\$ 1,170	\$ 302,833	85%
April 2017	711	1,828	\$ 44,804	\$ 937,541	\$ 982,345	\$ 1,382	\$ 22,875	\$ 33,907	\$ 56,823	\$ 14,974	\$ 105,704	\$ 318,133	\$ 156,750	\$ -	\$ 474,883	\$ 668	\$ 580,587	\$ 817	\$ 704,591	59%
May 2017	709	1,830	\$ 44,798	\$ 937,783	\$ 982,580	\$ 1,386	\$ 23,100	\$ 33,813	\$ 56,663	\$ 14,932	\$ 105,408	\$ 416,051	\$ 177,949	\$ -	\$ 594,000	\$ 838	\$ 699,408	\$ 986	\$ 987,764	71%
June 2017	710	1,827	\$ 44,700	\$ 938,298	\$ 982,937	\$ 1,384	\$ 23,400	\$ 33,864	\$ 56,743	\$ 14,953	\$ 105,560	\$ 532,115	\$ 211,937	\$ -	\$ 744,052	\$ 1,048	\$ 849,612	\$ 1,197	\$ 1,121,089	86%
July 2017	711	1,830	\$ 44,751	\$ 939,268	\$ 984,020	\$ 1,384	\$ 23,400	\$ 33,911	\$ 62,333	\$ 14,974	\$ 111,218	\$ 687,416	\$ 163,658	\$ -	\$ 851,074	\$ 1,197	\$ 962,292	\$ 1,353	\$ 1,142,817	98%
August 2017	716	1,845	\$ 45,111	\$ 946,312	\$ 991,423	\$ 1,385	\$ 23,475	\$ 34,148	\$ 62,772	\$ 15,079	\$ 111,999	\$ 461,459	\$ 184,078	\$ -	\$ 645,537	\$ 902	\$ 757,536	\$ 1,058	\$ 1,376,704	76%
September 2017	718	1,847	\$ 45,141	\$ 947,314	\$ 992,454	\$ 1,382	\$ 23,550	\$ 34,244	\$ 62,947	\$ 15,121	\$ 112,312	\$ 500,805	\$ 162,396	\$ -	\$ 663,201	\$ 924	\$ 775,513	\$ 1,080	\$ 1,593,645	78%
October 2017	722	1,857	\$ 45,223	\$ 949,479	\$ 994,702	\$ 1,378	\$ 23,475	\$ 34,435	\$ 63,298	\$ 15,205	\$ 112,938	\$ 1,479,097	\$ 164,236	\$ (630,270)	\$ 1,013,063	\$ 1,403	\$ 1,126,000	\$ 1,560	\$ 1,462,347	113%
November 2017	725	1,863	\$ 45,334	\$ 952,723	\$ 998,057	\$ 1,377	\$ 23,625	\$ 34,579	\$ 63,561	\$ 15,274	\$ 113,413	\$ 595,259	\$ 227,679	\$ (119,094)	\$ 703,844	\$ 971	\$ 817,257	\$ 1,127	\$ 1,643,146	82%
December 2017	728	1,867	\$ 45,360	\$ 954,962	\$ 1,000,322	\$ 1,374	\$ 23,850	\$ 34,723	\$ 63,824	\$ 15,332	\$ 113,879	\$ 855,801	\$ 202,478	\$ (134,325)	\$ 923,954	\$ 1,269	\$ 1,037,833	\$ 1,426	\$ 1,605,635	104%

PYTD 2019																				
January 2018	727	1,840	\$ 62,244	\$ 1,005,792	\$ 1,068,036	\$ 1,469	\$ 28,575	\$ 44,211	\$ 63,736	\$ (12,090)	\$ 95,857	\$ 644,508	\$ 180,158	\$ (68,683)	\$ 755,983	\$ 1,040	\$ 851,840	\$ 1,172	\$ 216,196	80%
February 2018	724	1,835	\$ 61,962	\$ 1,001,505	\$ 1,063,467	\$ 1,469	\$ 28,575	\$ 44,029	\$ 63,473	\$ (11,874)	\$ 95,629	\$ 712,325	\$ 202,306	\$ (234,038)	\$ 680,593	\$ 940	\$ 776,221	\$ 1,072	\$ 503,441	73%
March 2018	722	1,831	\$ 61,677	\$ 998,225	\$ 1,059,902	\$ 1,468	\$ 28,575	\$ 43,907	\$ 63,298	\$ (11,841)	\$ 95,364	\$ 453,230	\$ 157,081	\$ (20,256)	\$ 590,055	\$ 817	\$ 685,419	\$ 949	\$ 877,925	65%
April 2018	725	1,839	\$ 62,048	\$ 1,005,369	\$ 1,067,417	\$ 1,472	\$ 28,950	\$ 44,091	\$ 63,561	\$ (11,890)	\$ 95,761	\$ 549,284	\$ 151,366	\$ (52,159)	\$ 648,491	\$ 894	\$ 744,253	\$ 1,027	\$ 1,201,090	70%
May 2018	725	1,831	\$ 61,740	\$ 1,002,168	\$ 1,063,908	\$ 1,467	\$ 29,025	\$ 44,092	\$ 63,561	\$ (11,890)	\$ 95,762	\$ 405,457	\$ 221,443	\$ (62,833)	\$ 564,067	\$ 778	\$ 659,829	\$ 910	\$ 1,605,169	62%
June 2018	731	1,851	\$ 62,229	\$ 1,010,825	\$ 1,073,053	\$ 1,468	\$ 29,325	\$ 44,458	\$ 64,087	\$ (11,988)	\$ 96,556	\$ 509,792	\$ 188,547	\$ (71,206)	\$ 627,134	\$ 858	\$ 723,690	\$ 990	\$ 1,954,533	67%
July 2018	724	1,833	\$ 61,575	\$ 1,000,459	\$ 1,062,034	\$ 1,467	\$ 29,175	\$ 44,032	\$ 63,473	\$ (11,874)	\$ 95,632	\$ 405,065	\$ 192,730	\$ (59,571)	\$ 538,224	\$ 743	\$ 633,855	\$ 875	\$ 2,382,711	60%
August 2018	723	1,827	\$ 61,342	\$ 997,026	\$ 1,058,368	\$ 1,464	\$ 29,250	\$ 43,972	\$ 63,385	\$ (11,857)	\$ 95,500	\$ 489,422	\$ 197,562	\$ (68,305)	\$ 618,679	\$ 856	\$ 714,179	\$ 988	\$ 2,726,900	67%
September 2018	723	1,827	\$ 61,105	\$ 995,776	\$ 1,056,881	\$ 1,462	\$ 29,325	\$ 43,973	\$ 63,385	\$ (11,857)	\$ 95,501	\$ 386,781	\$ 210,062	\$ (53,802)	\$ 543,041	\$ 751	\$ 638,542	\$ 883	\$ 3,145,239	60%
October 2018	722	1,820	\$ 60,914	\$ 991,916	\$ 1,052,830	\$ 1,458	\$ 29,100	\$ 43,911	\$ 63,298	\$ (11,841)	\$ 95,368	\$ 747,534	\$ 175,319	\$ (81,250)	\$ 841,603	\$ 1,166	\$ 936,971	\$ 1,298	\$ 3,261,098	89%
November 2018	724	1,826	\$ 61,179	\$ 995,883	\$ 1,057,062	\$ 1,460	\$ 29,175	\$ 44,032	\$ 63,473	\$ (11,874)	\$ 95,632	\$ 726,883	\$ 239,096	\$ (72,262)	\$ 893,718	\$ 1,234	\$ 989,349	\$ 1,367	\$ 3,328,810	94%
December 2018	0	0	\$ -	\$ -	\$ -	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	--	\$ -	--	\$ 3,328,810	--

	ENROLLMENT		BUDGET					FIXED COSTS				CLAIMS					EXPENSES		BUDGET VS. EXPENSES	
TIME PERIOD	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	COMPANY HSA CONTR.	ADMIN FEES	AGG. & STOP LOSS PREMIUM	ADD'L COSTS	FIXED COSTS	MEDICAL CLAIMS	PHARMACY CLAIMS	STOP LOSS REIMB.	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
Rolling 24 Months	12,118	32,161	\$ 1,153,341	\$ 17,266,334	\$18,419,675	\$ 1,520	\$ -	\$ 645,284	\$ 1,034,260	\$ 44,369	\$ 1,723,914	\$ 11,715,045	\$ 4,085,005	\$ (1,582,921)	\$14,217,129	\$ 1,173	\$15,941,043	\$ 1,315	\$ 2,478,632	87%
Prior 12 Months	6,249	16,642	\$ 485,579	\$ 8,646,828	\$ 9,132,407	\$ 1,461	\$ -	\$ 297,294	\$ 519,725	\$ 130,769	\$ 947,788	\$ 6,067,242	\$ 1,920,301	\$ (749,364)	\$ 7,238,179	\$ 1,158	\$ 8,185,967	\$ 1,310	\$ 946,440	90%
Rolling 12 Months	5,869	15,519	\$ 667,762	\$ 8,619,506	\$ 9,287,268	\$ 1,582	\$ -	\$ 347,990	\$ 514,535	\$ (77,963)	\$ 784,562	\$ 5,647,803	\$ 2,164,704	\$ (833,556)	\$ 6,978,951	\$ 1,189	\$ 7,763,512	\$ 1,323	\$ 1,523,756	84%
PY 2016	6,022	16,261	\$ 398,867	\$ 7,394,678	\$ 7,793,545	\$ 1,294	\$ -	\$ 297,728	\$ 496,507	\$ 117,446	\$ 911,681	\$ 4,740,636	\$ 1,313,696	\$ (783,491)	\$ 5,270,840	\$ 875	\$ 6,182,521	\$ 1,027	\$ 1,611,024	79%
PY 2017	6,271	16,680	\$ 493,592	\$ 8,762,590	\$ 9,256,181	\$ 1,476	\$ -	\$ 297,308	\$ 525,583	\$ 132,071	\$ 954,962	\$ 6,397,529	\$ 1,990,087	\$ (883,689)	\$ 7,503,927	\$ 1,197	\$ 8,458,889	\$ 1,349	\$ 797,293	91%
PYTD 2018	5,340	14,115	\$ 626,300	\$ 7,883,244	\$ 8,509,544	\$ 1,594	\$ -	\$ 322,910	\$ 468,158	\$ (87,688)	\$ 703,380	\$ 4,890,415	\$ 1,976,906	\$ (699,231)	\$ 6,168,089	\$ 1,155	\$ 6,871,469	\$ 1,287	\$ 1,638,075	81%

MONTH	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	COMPANY HSA CONTR.	ADMIN FEES	AGG. & STOP LOSS PREMIUM	ADD'L COSTS	FIXED COSTS	MEDICAL CLAIMS	PHARMACY CLAIMS	STOP LOSS REIMB.	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
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PY 2017

January 2016	497	1,353	\$ 32,963	\$ 611,088	\$ 644,050	\$ 1,296	\$ -	\$ 24,572	\$ 42,255	\$ 9,226	\$ 76,052	\$ 263,773	\$ 64,655	\$ (8,774)	\$ 319,653	\$ 643	\$ 395,706	\$ 796	\$ 248,344	61%
February 2016	497	1,336	\$ 32,781	\$ 607,991	\$ 640,772	\$ 1,289	\$ -	\$ 24,572	\$ 42,255	\$ 10,222	\$ 77,048	\$ 226,083	\$ 97,051	\$ (2,009)	\$ 321,125	\$ 646	\$ 398,173	\$ 801	\$ 490,943	62%
March 2016	496	1,337	\$ 32,833	\$ 608,653	\$ 641,486	\$ 1,293	\$ -	\$ 24,522	\$ 42,170	\$ 9,700	\$ 76,392	\$ 217,840	\$ 101,657	\$ (2,025)	\$ 317,473	\$ 640	\$ 393,865	\$ 794	\$ 738,564	61%
April 2016	495	1,337	\$ 32,775	\$ 607,592	\$ 640,366	\$ 1,294	\$ -	\$ 24,473	\$ 42,085	\$ 9,733	\$ 76,291	\$ 953,148	\$ 109,588	\$ (702,671)	\$ 360,065	\$ 727	\$ 436,356	\$ 882	\$ 942,575	68%
May 2016	498	1,340	\$ 32,958	\$ 610,922	\$ 643,880	\$ 1,293	\$ -	\$ 24,621	\$ 42,340	\$ 9,771	\$ 76,732	\$ 343,251	\$ 110,489	\$ (23,845)	\$ 429,895	\$ 863	\$ 506,627	\$ 1,017	\$ 1,079,827	79%
June 2016	503	1,354	\$ 33,336	\$ 617,947	\$ 651,283	\$ 1,295	\$ -	\$ 24,868	\$ 42,765	\$ 9,784	\$ 77,417	\$ 391,854	\$ 112,264	\$ (44,168)	\$ 459,950	\$ 914	\$ 537,367	\$ 1,068	\$ 1,193,743	83%
July 2016	504	1,357	\$ 33,403	\$ 619,154	\$ 652,557	\$ 1,295	\$ -	\$ 24,918	\$ 40,280	\$ 9,803	\$ 75,001	\$ 573,503	\$ 115,542	\$ -	\$ 689,045	\$ 1,367	\$ 764,046	\$ 1,516	\$ 1,082,254	117%
August 2016	506	1,370	\$ 33,672	\$ 623,860	\$ 657,532	\$ 1,299	\$ -	\$ 25,017	\$ 40,440	\$ 9,832	\$ 75,288	\$ 347,727	\$ 130,688	\$ -	\$ 478,415	\$ 945	\$ 553,703	\$ 1,094	\$ 1,186,083	84%
September 2016	506	1,373	\$ 33,669	\$ 623,914	\$ 657,583	\$ 1,300	\$ -	\$ 25,017	\$ 40,440	\$ 9,842	\$ 75,298	\$ 406,097	\$ 130,369	\$ -	\$ 536,466	\$ 1,060	\$ 611,764	\$ 1,209	\$ 1,231,901	93%
October 2016	507	1,373	\$ 33,617	\$ 623,252	\$ 656,869	\$ 1,296	\$ -	\$ 25,066	\$ 40,519	\$ 9,862	\$ 75,447	\$ 277,971	\$ 107,194	\$ -	\$ 385,165	\$ 760	\$ 460,612	\$ 909	\$ 1,428,158	70%
November 2016	506	1,365	\$ 33,411	\$ 619,807	\$ 653,218	\$ 1,291	\$ -	\$ 25,017	\$ 40,440	\$ 9,832	\$ 75,288	\$ 312,288	\$ 116,187	\$ -	\$ 428,475	\$ 847	\$ 503,763	\$ 996	\$ 1,577,614	77%
December 2016	507	1,366	\$ 33,450	\$ 620,500	\$ 653,950	\$ 1,290	\$ -	\$ 25,066	\$ 40,519	\$ 9,840	\$ 75,426	\$ 427,101	\$ 118,012	\$ -	\$ 545,113	\$ 1,075	\$ 620,539	\$ 1,224	\$ 1,611,025	95%

PY 2018

January 2017	518	1,384	\$ 40,919	\$ 726,279	\$ 767,197	\$ 1,481	\$ -	\$ 24,558	\$ 41,399	\$ 10,909	\$ 76,866	\$ 330,346	\$ 134,940	\$ -	\$ 465,286	\$ 898	\$ 542,152	\$ 1,047	\$ 225,045	71%
February 2017	523	1,390	\$ 41,122	\$ 730,494	\$ 771,616	\$ 1,475	\$ -	\$ 24,795	\$ 41,798	\$ 11,014	\$ 77,608	\$ 477,433	\$ 164,177	\$ -	\$ 641,610	\$ 1,227	\$ 719,218	\$ 1,375	\$ 277,443	93%
March 2017	523	1,388	\$ 41,070	\$ 729,508	\$ 770,578	\$ 1,473	\$ -	\$ 24,795	\$ 41,798	\$ 11,014	\$ 77,608	\$ 343,699	\$ 147,286	\$ -	\$ 490,985	\$ 939	\$ 568,593	\$ 1,087	\$ 479,429	74%
April 2017	522	1,386	\$ 41,039	\$ 728,816	\$ 769,855	\$ 1,475	\$ -	\$ 24,748	\$ 41,718	\$ 10,993	\$ 77,460	\$ 266,555	\$ 155,765	\$ -	\$ 422,320	\$ 809	\$ 499,780	\$ 957	\$ 749,504	65%
May 2017	519	1,384	\$ 40,985	\$ 727,561	\$ 768,545	\$ 1,481	\$ -	\$ 24,606	\$ 41,478	\$ 10,930	\$ 77,014	\$ 319,749	\$ 165,391	\$ -	\$ 485,140	\$ 935	\$ 562,154	\$ 1,083	\$ 955,895	73%
June 2017	517	1,375	\$ 40,836	\$ 724,601	\$ 765,436	\$ 1,481	\$ -	\$ 24,511	\$ 41,319	\$ 10,888	\$ 76,718	\$ 499,776	\$ 199,793	\$ -	\$ 699,569	\$ 1,353	\$ 776,287	\$ 1,502	\$ 945,044	101%
July 2017	518	1,379	\$ 40,884	\$ 725,487	\$ 766,371	\$ 1,479	\$ -	\$ 24,558	\$ 45,413	\$ 10,909	\$ 80,881	\$ 590,786	\$ 152,250	\$ -	\$ 743,036	\$ 1,434	\$ 823,917	\$ 1,591	\$ 887,499	108%
August 2017	523	1,391	\$ 41,202	\$ 731,285	\$ 772,488	\$ 1,477	\$ -	\$ 24,795	\$ 45,851	\$ 11,014	\$ 81,661	\$ 383,142	\$ 170,157	\$ -	\$ 553,299	\$ 1,058	\$ 634,960	\$ 1,214	\$ 1,025,026	82%
September 2017	524	1,392	\$ 41,232	\$ 731,685	\$ 772,916	\$ 1,475	\$ -	\$ 24,843	\$ 45,939	\$ 11,035	\$ 81,817	\$ 441,235	\$ 148,418	\$ -	\$ 589,653	\$ 1,125	\$ 671,470	\$ 1,281	\$ 1,126,472	87%
October 2017	527	1,401	\$ 41,365	\$ 734,288	\$ 775,652	\$ 1,472	\$ -	\$ 24,985	\$ 46,202	\$ 11,099	\$ 82,286	\$ 1,435,312	\$ 149,534	\$ (630,270)	\$ 954,576	\$ 1,811	\$ 1,036,861	\$ 1,967	\$ 865,263	134%
November 2017	528	1,406	\$ 41,476	\$ 736,327	\$ 777,802	\$ 1,473	\$ -	\$ 25,032	\$ 46,290	\$ 11,123	\$ 82,446	\$ 552,108	\$ 214,578	\$ (119,094)	\$ 647,592	\$ 1,226	\$ 730,038	\$ 1,383	\$ 913,028	94%
December 2017	529	1,404	\$ 41,463	\$ 736,261	\$ 777,724	\$ 1,470	\$ -	\$ 25,080	\$ 46,377	\$ 11,141	\$ 82,598	\$ 757,388	\$ 187,798	\$ (134,325)	\$ 810,861	\$ 1,533	\$ 893,459	\$ 1,689	\$ 797,293	115%

PYTD 2019

January 2018	490	1,299	\$ 57,624	\$ 724,878	\$ 782,501	\$ 1,597	\$ -	\$ 29,630	\$ 42,958	\$ (8,149)	\$ 64,440	\$ 530,557	\$ 166,780	\$ (68,683)	\$ 628,654	\$ 1,283	\$ 693,094	\$ 1,414	\$ 89,407	89%
February 2018	487	1,295	\$ 57,357	\$ 721,301	\$ 778,658	\$ 1,599	\$ -	\$ 29,449	\$ 42,695	\$ (7,987)	\$ 64,157	\$ 581,938	\$ 197,384	\$ (234,038)	\$ 545,284	\$ 1,120	\$ 609,441	\$ 1,251	\$ 258,624	78%
March 2018	486	1,289	\$ 57,030	\$ 717,320	\$ 774,350	\$ 1,593	\$ -	\$ 29,388	\$ 42,608	\$ (7,970)	\$ 64,026	\$ 382,121	\$ 143,998	\$ (20,256)	\$ 505,863	\$ 1,041	\$ 569,888	\$ 1,173	\$ 463,086	74%
April 2018	487	1,289	\$ 57,311	\$ 720,823	\$ 778,134	\$ 1,598	\$ -	\$ 29,449	\$ 42,695	\$ (7,987)	\$ 64,157	\$ 481,066	\$ 143,503	\$ (52,159)	\$ 572,410	\$ 1,175	\$ 636,568	\$ 1,307	\$ 604,653	82%
May 2018	486	1,281	\$ 57,018	\$ 717,678	\$ 774,696	\$ 1,594	\$ -	\$ 29,388	\$ 42,608	\$ (7,970)	\$ 64,026	\$ 343,404	\$ 203,859	\$ (62,833)	\$ 484,430	\$ 997	\$ 548,455	\$ 1,129	\$ 830,894	71%
June 2018	489	1,294	\$ 57,468	\$ 723,174	\$ 780,641	\$ 1,596	\$ -	\$ 29,570	\$ 42,871	\$ (8,020)	\$ 64,421	\$ 400,402	\$ 179,679	\$ (35,272)	\$ 544,809	\$ 1,114	\$ 609,230	\$ 1,246	\$ 1,002,305	78%
July 2018	484	1,281	\$ 56,844	\$ 715,537	\$ 772,381	\$ 1,596	\$ -	\$ 29,267	\$ 42,432	\$ (7,938)	\$ 63,762	\$ 291,378	\$ 183,416	\$ (34,662)	\$ 440,131	\$ 909	\$ 503,893	\$ 1,041	\$ 1,270,792	65%
August 2018	483	1,276	\$ 56,614	\$ 712,880	\$ 769,494	\$ 1,593	\$ -	\$ 29,207	\$ 42,345	\$ (7,921)	\$ 63,630	\$ 386,009	\$ 185,512	\$ (42,706)	\$ 528,815	\$ 1,095	\$ 592,445	\$ 1,227	\$ 1,447,841	77%
September 2018	482	1,272	\$ 56,353	\$ 709,869	\$ 766,222	\$ 1,590	\$ -	\$ 29,147	\$ 42,257	\$ (7,905)	\$ 63,499	\$ 285,620	\$ 183,424	\$ (38,529)	\$ 430,515	\$ 893	\$ 494,013	\$ 1,025	\$ 1,720,050	64%
October 2018	482	1,268	\$ 56,228	\$ 708,508	\$ 764,736	\$ 1,587	\$ -	\$ 29,147	\$ 42,257	\$ (7,905)	\$ 63,499	\$ 603,337	\$ 163,987	\$ (54,756)	\$ 712,568	\$ 1,478	\$ 776,066	\$ 1,610	\$ 1,708,720	101%
November 2018	484	1,271	\$ 56,454	\$ 711,276	\$ 767,730	\$ 1,586	\$ -	\$ 29,267	\$ 42,432	\$ (7,938)	\$ 63,762	\$ 604,583	\$ 225,364	\$ (55,336)	\$ 774,612	\$ 1,600	\$ 838,374	\$ 1,732	\$ 1,638,076	109%
December 2018	0	0	\$ -	\$ -	\$ -	--	\$ -	\$ -	\$ -	--	--	\$ -	\$ -	\$ -	\$ -	--	--	--	--	--

	ENROLLMENT		BUDGET					FIXED COSTS				CLAIMS					EXPENSES		BUDGET VS. EXPENSES	
TIME PERIOD	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	COMPANY HSA CONTR.	ADMIN FEES	AGG. & STOP LOSS PREMIUM	ADD'L COSTS	FIXED COSTS	MEDICAL CLAIMS	PHARMACY CLAIMS	STOP LOSS REIMB.	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
Rolling 24 Months	5,068	11,758	\$ 100,446	\$ 5,798,198	\$ 5,898,644	\$ 1,164	\$ 614,475	\$ 280,078	\$ 434,492	\$ 18,556	\$ 733,127	\$ 2,227,186	\$ 277,646	\$ (145,134)	\$ 2,359,698	\$ 466	\$ 3,092,825	\$ 610	\$ 2,805,819	52%
Prior 12 Months	2,239	5,250	\$ 44,835	\$ 2,457,797	\$ 2,502,632	\$ 1,118	\$ 271,575	\$ 108,637	\$ 186,474	\$ 46,854	\$ 341,965	\$ 995,858	\$ 124,202	\$ -	\$ 1,120,060	\$ 500	\$ 1,462,025	\$ 653	\$ 1,040,607	58%
Rolling 12 Months	2,829	6,508	\$ 55,611	\$ 3,340,401	\$ 3,396,012	\$ 1,200	\$ 342,900	\$ 171,441	\$ 248,018	\$ (37,580)	\$ 381,879	\$ 1,231,328	\$ 153,444	\$ (145,134)	\$ 1,239,638	\$ 438	\$ 1,621,518	\$ 573	\$ 1,774,495	48%
PY 2017	1,648	3,815	\$ 32,505	\$ 1,566,479	\$ 1,598,984	\$ 970	\$ 199,125	\$ 82,340	\$ 135,900	\$ 32,141	\$ 250,381	\$ 581,020	\$ 29,912	\$ (55,363)	\$ 555,568	\$ 337	\$ 805,949	\$ 489	\$ 793,034	50%
PY 2018	2,300	5,387	\$ 45,951	\$ 2,544,474	\$ 2,590,425	\$ 1,126	\$ 278,550	\$ 111,458	\$ 192,891	\$ 48,439	\$ 352,789	\$ 1,040,091	\$ 134,174	\$ -	\$ 1,174,265	\$ 511	\$ 1,527,054	\$ 664	\$ 1,063,372	59%
PYTD 2019	2,630	6,045	\$ 51,714	\$ 3,121,700	\$ 3,173,414	\$ 1,207	\$ 319,050	\$ 161,798	\$ 230,572	\$ (43,187)	\$ 349,183	\$ 1,134,167	\$ 138,764	\$ (145,134)	\$ 1,127,797	\$ 429	\$ 1,476,980	\$ 562	\$ 1,696,434	47%
MONTH	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	COMPANY HSA CONTR.	ADMIN FEES	AGG. & STOP LOSS PREMIUM	ADD'L COSTS	FIXED COSTS	MEDICAL CLAIMS	PHARMACY CLAIMS	STOP LOSS REIMB.	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
PY 2017																				
January 2017	136	312	\$ 2,640	\$ 128,730	\$ 131,370	\$ 966	\$ 16,275	\$ 6,867	\$ 11,563	\$ 2,525	\$ 20,954	\$ 19,942	\$ 586	\$ (11,532)	\$ 8,996	\$ 66	\$ 29,949	\$ 220	\$ 101,420	23%
February 2017	137	314	\$ 2,655	\$ 129,324	\$ 131,979	\$ 963	\$ 16,425	\$ 6,917	\$ 11,648	\$ 2,818	\$ 21,383	\$ 16,189	\$ 730	\$ (7)	\$ 16,912	\$ 123	\$ 38,294	\$ 280	\$ 195,105	29%
March 2017	137	313	\$ 2,655	\$ 129,324	\$ 131,979	\$ 963	\$ 16,425	\$ 6,917	\$ 11,648	\$ 2,679	\$ 21,244	\$ 73,076	\$ 670	\$ (337)	\$ 73,410	\$ 536	\$ 94,654	\$ 691	\$ 232,430	72%
April 2016	137	315	\$ 2,682	\$ 129,834	\$ 132,516	\$ 967	\$ 16,500	\$ 6,917	\$ 11,648	\$ 2,694	\$ 21,259	\$ 51,582	\$ 1,868	\$ (9,072)	\$ 44,378	\$ 324	\$ 65,637	\$ 479	\$ 299,309	50%
May 2017	136	316	\$ 2,709	\$ 129,822	\$ 132,531	\$ 974	\$ 16,500	\$ 6,867	\$ 11,563	\$ 2,668	\$ 21,098	\$ 35,408	\$ 1,523	\$ (14,742)	\$ 22,189	\$ 163	\$ 43,287	\$ 318	\$ 388,553	33%
June 2016	139	324	\$ 2,772	\$ 132,727	\$ 135,499	\$ 975	\$ 16,875	\$ 7,018	\$ 11,818	\$ 2,704	\$ 21,540	\$ 42,640	\$ 1,896	\$ (19,674)	\$ 24,862	\$ 179	\$ 46,402	\$ 334	\$ 477,650	34%
July 2017	139	323	\$ 2,745	\$ 132,216	\$ 134,961	\$ 971	\$ 16,800	\$ 6,872	\$ 11,109	\$ 2,704	\$ 20,685	\$ 23,395	\$ 1,442	\$ -	\$ 24,837	\$ 179	\$ 45,522	\$ 327	\$ 567,090	34%
August 2017	138	319	\$ 2,721	\$ 131,308	\$ 134,029	\$ 971	\$ 16,650	\$ 6,823	\$ 11,029	\$ 2,681	\$ 20,533	\$ 46,736	\$ 2,074	\$ -	\$ 48,810	\$ 354	\$ 69,343	\$ 502	\$ 631,776	52%
September 2017	137	318	\$ 2,721	\$ 130,785	\$ 133,506	\$ 974	\$ 16,575	\$ 6,773	\$ 10,949	\$ 2,665	\$ 20,387	\$ 28,899	\$ 5,325	\$ -	\$ 34,224	\$ 250	\$ 54,611	\$ 399	\$ 710,670	41%
October 2017	136	315	\$ 2,682	\$ 129,311	\$ 131,993	\$ 971	\$ 16,425	\$ 6,724	\$ 10,869	\$ 2,645	\$ 20,238	\$ 101,949	\$ 3,362	\$ -	\$ 105,311	\$ 774	\$ 125,549	\$ 923	\$ 717,114	95%
November 2017	138	320	\$ 2,742	\$ 131,074	\$ 133,816	\$ 970	\$ 16,800	\$ 6,823	\$ 11,029	\$ 2,681	\$ 20,533	\$ 88,275	\$ 5,728	\$ -	\$ 94,003	\$ 681	\$ 114,536	\$ 830	\$ 736,394	86%
December 2017	138	326	\$ 2,781	\$ 132,024	\$ 134,805	\$ 977	\$ 16,875	\$ 6,823	\$ 11,029	\$ 2,678	\$ 20,530	\$ 52,928	\$ 4,708	\$ -	\$ 57,636	\$ 418	\$ 78,166	\$ 566	\$ 793,033	58%
PY 2018																				
January 2018	184	436	\$ 3,744	\$ 204,842	\$ 208,586	\$ 1,134	\$ 22,500	\$ 8,917	\$ 14,705	\$ 3,875	\$ 27,497	\$ 56,026	\$ 1,069	\$ -	\$ 57,095	\$ 310	\$ 84,592	\$ 460	\$ 123,994	41%
February 2018	186	436	\$ 3,714	\$ 205,310	\$ 209,024	\$ 1,124	\$ 22,575	\$ 9,014	\$ 14,865	\$ 3,917	\$ 27,796	\$ 216,639	\$ 14,058	\$ -	\$ 230,697	\$ 1,240	\$ 258,493	\$ 1,390	\$ 74,525	124%
March 2018	187	439	\$ 3,753	\$ 207,012	\$ 210,765	\$ 1,127	\$ 22,725	\$ 9,062	\$ 14,945	\$ 3,938	\$ 27,945	\$ 168,977	\$ 11,570	\$ -	\$ 180,547	\$ 965	\$ 208,492	\$ 1,115	\$ 76,798	99%
April 2018	189	442	\$ 3,765	\$ 208,725	\$ 212,490	\$ 1,124	\$ 22,875	\$ 9,159	\$ 15,105	\$ 3,980	\$ 28,244	\$ 51,265	\$ 985	\$ -	\$ 52,250	\$ 276	\$ 80,494	\$ 426	\$ 208,794	38%
May 2018	190	446	\$ 3,813	\$ 210,222	\$ 214,035	\$ 1,126	\$ 23,100	\$ 9,207	\$ 15,185	\$ 4,001	\$ 28,394	\$ 96,022	\$ 12,558	\$ -	\$ 108,580	\$ 571	\$ 136,974	\$ 721	\$ 285,855	64%
June 2018	193	452	\$ 3,864	\$ 213,637	\$ 217,501	\$ 1,127	\$ 23,400	\$ 9,353	\$ 15,425	\$ 4,065	\$ 28,842	\$ 32,381	\$ 12,144	\$ -	\$ 44,525	\$ 231	\$ 73,367	\$ 380	\$ 429,989	34%
July 2018	193	451	\$ 3,867	\$ 213,782	\$ 217,649	\$ 1,128	\$ 23,400	\$ 9,353	\$ 16,920	\$ 4,065	\$ 30,338	\$ 96,703	\$ 11,408	\$ -	\$ 108,111	\$ 560	\$ 138,449	\$ 717	\$ 509,189	64%
August 2018	193	454	\$ 3,909	\$ 215,026	\$ 218,935	\$ 1,134	\$ 23,475	\$ 9,353	\$ 16,920	\$ 4,065	\$ 30,338	\$ 78,317	\$ 13,921	\$ -	\$ 92,238	\$ 478	\$ 122,576	\$ 635	\$ 605,549	56%
September 2018	194	455	\$ 3,909	\$ 215,629	\$ 219,538	\$ 1,132	\$ 23,550	\$ 9,401	\$ 17,008	\$ 4,086	\$ 30,495	\$ 59,570	\$ 13,978	\$ -	\$ 73,548	\$ 379	\$ 104,043	\$ 536	\$ 721,044	47%
October 2018	195	456	\$ 3,858	\$ 215,192	\$ 219,050	\$ 1,123	\$ 23,475	\$ 9,450	\$ 17,096	\$ 4,107	\$ 30,652	\$ 43,882	\$ 14,702	\$ -	\$ 58,584	\$ 300	\$ 89,236	\$ 458	\$ 850,858	41%
November 2018	197	457	\$ 3,858	\$ 216,396	\$ 220,254	\$ 1,118	\$ 23,625	\$ 9,547	\$ 17,271	\$ 4,150	\$ 30,968	\$ 43,148	\$ 13,101	\$ -	\$ 56,249	\$ 286	\$ 87,217	\$ 443	\$ 983,895	40%
December 2018	199	463	\$ 3,897	\$ 218,701	\$ 222,598	\$ 1,119	\$ 23,850	\$ 9,644	\$ 17,446	\$ 4,191	\$ 31,281	\$ 97,161	\$ 14,680	\$ -	\$ 111,841	\$ 562	\$ 143,122	\$ 719	\$ 1,063,372	64%
PYTD 2019																				
January 2019	237	541	\$ 4,620	\$ 280,914	\$ 285,534	\$ 1,205	\$ 28,575	\$ 14,580	\$ 20,778	\$ (3,941)	\$ 31,417	\$ 113,951	\$ 13,378	\$ -	\$ 127,329	\$ 537	\$ 158,746	\$ 670	\$ 126,789	56%
February 2019	237	540	\$ 4,605	\$ 280,204	\$ 284,809	\$ 1,202	\$ 28,575	\$ 14,580	\$ 20,778	\$ (3,887)	\$ 31,471	\$ 130,387	\$ 4,922	\$ -	\$ 135,309	\$ 571	\$ 166,780	\$ 704	\$ 244,817	59%
March 2018	236	542	\$ 4,647	\$ 280,905	\$ 285,552	\$ 1,210	\$ 28,575	\$ 14,519	\$ 20,690	\$ (3,870)	\$ 31,338	\$ 71,143	\$ 13,083	\$ -	\$ 84,226	\$ 357	\$ 115,564	\$ 490	\$ 14,805	40%
April 2019	238	550	\$ 4,737	\$ 284,546	\$ 289,283	\$ 1,215	\$ 28,950	\$ 14,642	\$ 20,865	\$ (3,903)	\$ 31,604	\$ 68,218	\$ 7,863	\$ -	\$ 76,081	\$ 320	\$ 107,685	\$ 452	\$ 596,403	37%
May 2018	239	550	\$ 4,722	\$ 284,490	\$ 289,212	\$ 1,210	\$ 29,025	\$ 14,703	\$ 20,953	\$ (3,920)	\$ 31,737	\$ 56,374	\$ 17,584	\$ -	\$ 73,958	\$ 309	\$ 105,695	\$ 442	\$ 779,920	37%
June 2018	242	557	\$ 4,761	\$ 287,651	\$ 292,412	\$ 1,208	\$ 29,325	\$ 14,888	\$ 21,216	\$ (3,969)	\$ 32,135	\$ 109,390	\$ 8,868	\$ (35,934)	\$ 82,324	\$ 340	\$ 114,459	\$ 473	\$ 957,873	39%
July 2019	240	552	\$ 4,731	\$ 284,922	\$ 289,653	\$ 1,207	\$ 29,175	\$ 14,765	\$ 21,041	\$ (3,936)	\$ 31,870	\$ 113,687	\$ 9,314	\$ (24,909)	\$ 98,092	\$ 409	\$ 129,962	\$ 542	\$ 1,117,563	45%
August 2019	240	551	\$ 4,728	\$ 284,146	\$ 288,874	\$ 1,204	\$ 29,250	\$ 14,765	\$ 21,041	\$ (3,936)	\$ 31,870	\$ 103,413	\$ 12,050	\$ (25,599)	\$ 89,864	\$ 374	\$ 121,734	\$ 507	\$ 1,284,704	42%
September 2019	241	555	\$ 4,752	\$ 285,907	\$ 290,659	\$ 1,206	\$ 29,325	\$ 14,826	\$ 21,128	\$ (3,952)	\$ 32,002	\$ 101,161	\$ 26,638	\$ (15,273)	\$ 112,526	\$ 467	\$ 144,529	\$ 600	\$ 1,430,834	50%
October 2019	240	552	\$ 4,686	\$ 283,408	\$ 288,094	\$ 1,200	\$ 29,100	\$ 14,765	\$ 21,041	\$ (3,936)	\$ 31,870	\$ 144,143	\$ 11,332	\$ (26,493)	\$ 128,982	\$ 537	\$ 160,851	\$ 670	\$ 1,558,077	56%
November 2019	240	555	\$ 4,725	\$ 284,607	\$ 289,332	\$ 1,206	\$ 29,175	\$ 14,765	\$ 21,041	\$ (3,936)	\$ 31,870	\$ 122,300	\$ 13,732	\$ (16,926)	\$ 119,106	\$ 496	\$ 150,975	\$ 629	\$ 1,696,434	52%
December 2019	0	0	\$ -	\$ -	\$ -	--	\$ -	\$ -	\$ -	--	--	\$ -	\$ -	\$ -	\$ -	--	--	--	--	--

ABC Company Dental Monthly Financials by PY

	ENROLLMENT		BUDGET				FIXED COSTS		CLAIMS			EXPENSES		BUDGET VS. EXPENSES	
TIME PERIOD	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
Rolling 24 Months	17,415	46,663	\$ 261,671	\$ 1,319,776	\$ 1,581,448	\$ 91	\$ 58,741	\$ 58,741	\$ 1,371,717	\$ 1,371,717	\$ 79	\$ 1,430,457	\$ 82	\$ 150,990	90%
Prior 12 Months	8,641	23,361	\$ 121,360	\$ 656,387	\$ 777,747	\$ 90	\$ 28,997	\$ 28,997	\$ 679,174	\$ 679,174	\$ 79	\$ 708,171	\$ 82	\$ 69,576	91%
Rolling 12 Months	8,774	23,302	\$ 140,311	\$ 663,390	\$ 803,701	\$ 92	\$ 29,744	\$ 29,744	\$ 692,542	\$ 692,542	\$ 79	\$ 722,286	\$ 82	\$ 81,414	90%
PY 2016	8,393	22,861	\$ 78,705	\$ 624,479	\$ 703,185	\$ 84	\$ 24,927	\$ 24,927	\$ 637,118	\$ 637,118	\$ 76	\$ 662,045	\$ 79	\$ 41,140	94%
PY 2017	8,673	23,411	\$ 125,395	\$ 659,990	\$ 785,385	\$ 91	\$ 29,401	\$ 29,401	\$ 677,009	\$ 677,009	\$ 78	\$ 706,411	\$ 81	\$ 78,974	90%
PYTD 2018	8,037	21,325	\$ 129,655	\$ 607,306	\$ 736,961	\$ 92	\$ 27,245	\$ 27,245	\$ 639,853	\$ 639,853	\$ 80	\$ 667,099	\$ 83	\$ 69,863	91%
MONTH	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
PY 2016															
January 2016	693	1,889	\$ 6,472	\$ 51,592	\$ 58,064	\$ 84	\$ 2,058	\$ 2,058	\$ 58,776	\$ 58,776	\$ 85	\$ 60,834	\$ 88	\$ (2,770)	105%
February 2016	698	1,891	\$ 6,502	\$ 51,763	\$ 58,264	\$ 83	\$ 2,073	\$ 2,073	\$ 57,031	\$ 57,031	\$ 82	\$ 59,104	\$ 85	\$ (3,610)	101%
March 2016	697	1,888	\$ 6,514	\$ 51,782	\$ 58,297	\$ 84	\$ 2,070	\$ 2,070	\$ 60,533	\$ 60,533	\$ 87	\$ 62,603	\$ 90	\$ (7,916)	107%
April 2016	691	1,879	\$ 6,490	\$ 51,438	\$ 57,928	\$ 84	\$ 2,052	\$ 2,052	\$ 49,377	\$ 49,377	\$ 71	\$ 51,429	\$ 74	\$ (1,418)	89%
May 2016	692	1,887	\$ 6,499	\$ 51,512	\$ 58,012	\$ 84	\$ 2,055	\$ 2,055	\$ 43,260	\$ 43,260	\$ 63	\$ 45,315	\$ 65	\$ 11,279	78%
June 2016	701	1,908	\$ 6,584	\$ 52,182	\$ 58,766	\$ 84	\$ 2,082	\$ 2,082	\$ 56,310	\$ 56,310	\$ 80	\$ 58,392	\$ 83	\$ 11,653	99%
July 2016	702	1,910	\$ 6,593	\$ 52,257	\$ 58,850	\$ 84	\$ 2,085	\$ 2,085	\$ 58,029	\$ 58,029	\$ 83	\$ 60,114	\$ 86	\$ 10,389	102%
August 2016	704	1,921	\$ 6,612	\$ 52,406	\$ 59,018	\$ 84	\$ 2,091	\$ 2,091	\$ 60,432	\$ 60,432	\$ 86	\$ 62,523	\$ 89	\$ 6,884	106%
September 2016	702	1,918	\$ 6,593	\$ 52,257	\$ 58,850	\$ 84	\$ 2,085	\$ 2,085	\$ 42,650	\$ 42,650	\$ 61	\$ 44,735	\$ 64	\$ 20,999	76%
October 2016	704	1,919	\$ 6,612	\$ 52,406	\$ 59,018	\$ 84	\$ 2,091	\$ 2,091	\$ 45,169	\$ 45,169	\$ 64	\$ 47,260	\$ 67	\$ 32,757	80%
November 2016	704	1,924	\$ 6,612	\$ 52,406	\$ 59,018	\$ 84	\$ 2,091	\$ 2,091	\$ 50,697	\$ 50,697	\$ 72	\$ 52,788	\$ 75	\$ 38,986	89%
December 2016	705	1,927	\$ 6,621	\$ 52,480	\$ 59,101	\$ 84	\$ 2,094	\$ 2,094	\$ 54,854	\$ 54,854	\$ 78	\$ 56,948	\$ 81	\$ 41,140	96%
PY 2017															
January 2017	704	1,935	\$ 10,178	\$ 53,572	\$ 63,751	\$ 91	\$ 2,387	\$ 2,387	\$ 61,619	\$ 61,619	\$ 88	\$ 64,006	\$ 91	\$ (255)	100%
February 2017	718	1,945	\$ 10,381	\$ 54,638	\$ 65,019	\$ 91	\$ 2,434	\$ 2,434	\$ 66,563	\$ 66,563	\$ 93	\$ 68,997	\$ 96	\$ (4,234)	106%
March 2017	719	1,940	\$ 10,395	\$ 54,714	\$ 65,109	\$ 91	\$ 2,437	\$ 2,437	\$ 66,967	\$ 66,967	\$ 93	\$ 69,404	\$ 97	\$ (8,528)	107%
April 2017	719	1,940	\$ 10,395	\$ 54,714	\$ 65,109	\$ 91	\$ 2,437	\$ 2,437	\$ 53,079	\$ 53,079	\$ 74	\$ 55,516	\$ 77	\$ 1,064	85%
May 2017	717	1,941	\$ 10,366	\$ 54,562	\$ 64,928	\$ 91	\$ 2,431	\$ 2,431	\$ 53,321	\$ 53,321	\$ 74	\$ 55,752	\$ 78	\$ 10,240	86%
June 2017	718	1,937	\$ 10,381	\$ 54,638	\$ 65,019	\$ 91	\$ 2,434	\$ 2,434	\$ 50,151	\$ 50,151	\$ 70	\$ 52,585	\$ 73	\$ 22,674	81%
July 2017	721	1,940	\$ 10,424	\$ 54,866	\$ 65,290	\$ 91	\$ 2,444	\$ 2,444	\$ 58,909	\$ 58,909	\$ 82	\$ 61,353	\$ 85	\$ 26,611	94%
August 2017	726	1,957	\$ 10,497	\$ 55,247	\$ 65,743	\$ 91	\$ 2,461	\$ 2,461	\$ 57,263	\$ 57,263	\$ 79	\$ 59,724	\$ 82	\$ 32,630	91%
September 2017	729	1,960	\$ 10,540	\$ 55,475	\$ 66,015	\$ 91	\$ 2,471	\$ 2,471	\$ 56,709	\$ 56,709	\$ 78	\$ 59,180	\$ 81	\$ 39,464	90%
October 2017	731	1,967	\$ 10,569	\$ 55,627	\$ 66,196	\$ 91	\$ 2,478	\$ 2,478	\$ 47,245	\$ 47,245	\$ 65	\$ 49,723	\$ 68	\$ 55,937	75%
November 2017	734	1,972	\$ 10,612	\$ 55,855	\$ 66,467	\$ 91	\$ 2,488	\$ 2,488	\$ 52,494	\$ 52,494	\$ 72	\$ 54,982	\$ 75	\$ 67,422	83%
December 2017	737	1,977	\$ 10,656	\$ 56,084	\$ 66,739	\$ 91	\$ 2,498	\$ 2,498	\$ 52,689	\$ 52,689	\$ 71	\$ 55,187	\$ 75	\$ 78,974	83%
PYTD 2018															
January 2018	734	1,953	\$ 11,901	\$ 55,781	\$ 67,682	\$ 92	\$ 2,488	\$ 2,488	\$ 74,148	\$ 74,148	\$ 101	\$ 76,636	\$ 104	\$ (8,954)	113%
February 2018	732	1,951	\$ 11,840	\$ 55,514	\$ 67,354	\$ 92	\$ 2,481	\$ 2,481	\$ 69,039	\$ 69,039	\$ 94	\$ 71,520	\$ 98	\$ (13,120)	106%
March 2018	730	1,944	\$ 11,812	\$ 55,271	\$ 67,083	\$ 92	\$ 2,475	\$ 2,475	\$ 65,534	\$ 65,534	\$ 90	\$ 68,009	\$ 93	\$ (14,046)	101%
April 2018	732	1,949	\$ 11,863	\$ 55,624	\$ 67,487	\$ 92	\$ 2,481	\$ 2,481	\$ 51,723	\$ 51,723	\$ 71	\$ 54,204	\$ 74	\$ (763)	80%
May 2018	732	1,939	\$ 11,814	\$ 55,263	\$ 67,078	\$ 92	\$ 2,481	\$ 2,481	\$ 58,508	\$ 58,508	\$ 80	\$ 60,989	\$ 83	\$ 5,325	91%
June 2018	733	1,951	\$ 11,869	\$ 55,485	\$ 67,355	\$ 92	\$ 2,485	\$ 2,485	\$ 56,005	\$ 56,005	\$ 76	\$ 58,490	\$ 80	\$ 14,190	87%
July 2018	731	1,937	\$ 11,798	\$ 55,160	\$ 66,958	\$ 92	\$ 2,478	\$ 2,478	\$ 57,964	\$ 57,964	\$ 79	\$ 60,442	\$ 83	\$ 20,705	90%
August 2018	729	1,931	\$ 11,720	\$ 54,983	\$ 66,702	\$ 91	\$ 2,471	\$ 2,471	\$ 66,025	\$ 66,025	\$ 91	\$ 68,496	\$ 94	\$ 18,911	103%
September 2018	728	1,926	\$ 11,705	\$ 54,826	\$ 66,531	\$ 91	\$ 2,468	\$ 2,468	\$ 52,053	\$ 52,053	\$ 72	\$ 54,521	\$ 75	\$ 30,921	82%
October 2018	727	1,919	\$ 11,650	\$ 54,595	\$ 66,245	\$ 91	\$ 2,465	\$ 2,465	\$ 46,557	\$ 46,557	\$ 64	\$ 49,022	\$ 67	\$ 48,145	74%
November 2018	729	1,925	\$ 11,682	\$ 54,805	\$ 66,487	\$ 91	\$ 2,471	\$ 2,471	\$ 42,297	\$ 42,297	\$ 58	\$ 44,769	\$ 61	\$ 69,863	67%
December 2018	0	0	\$ -	\$ -	\$ -	--	\$ -	\$ -	\$ -	\$ -	--	\$ -	--	\$ 69,863	--

	EE COUNT	BUDGET				FIXED COSTS		CLAIMS			EXPENSES		BUDGET VS. EXPENSES	
TIME PERIOD	EMPLOYEE COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
Rolling 24 Months	6,299	\$ 198,329	\$ 451,379	\$ 649,707	\$ 103	\$ 21,245	\$ 21,245	\$ 1,371,717	\$ 1,371,717	\$ 218	\$ 1,392,962	\$ 221	\$ (743,254)	214%
Prior 12 Months	3,077	\$ 93,596	\$ 221,835	\$ 315,432	\$ 103	\$ 10,323	\$ 10,323	\$ 679,174	\$ 679,174	\$ 221	\$ 689,498	\$ 224	\$ (374,066)	219%
Rolling 12 Months	3,222	\$ 104,732	\$ 229,543	\$ 334,275	\$ 104	\$ 10,922	\$ 10,922	\$ 692,542	\$ 692,542	\$ 215	\$ 703,464	\$ 218	\$ (369,188)	210%
PY 2016	3,077	\$ 52,285	\$ 239,526	\$ 291,811	\$ 95	\$ 9,138	\$ 9,138	\$ 509,613	\$ 509,613	\$ 166	\$ 518,750	\$ 169	\$ (226,940)	178%
PY 2017	3,080	\$ 97,478	\$ 220,404	\$ 317,882	\$ 103	\$ 10,441	\$ 10,441	\$ 677,009	\$ 677,009	\$ 220	\$ 687,450	\$ 223	\$ (369,568)	216%
PYTD 2018	2,960	\$ 96,449	\$ 210,814	\$ 307,263	\$ 104	\$ 10,034	\$ 10,034	\$ 639,853	\$ 639,853	\$ 216	\$ 649,888	\$ 220	\$ (342,625)	212%
MONTH	EMPLOYEE COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
PY 2016														
January 2016	251	\$ 4,296	\$ 19,672	\$ 23,968	\$ 95	\$ 745	\$ 745	\$ 20,812	\$ 20,812	\$ 83	\$ 21,558	\$ 86	\$ 2,411	90%
February 2016	254	\$ 4,306	\$ 19,726	\$ 24,032	\$ 95	\$ 754	\$ 754	\$ 28,631	\$ 28,631	\$ 113	\$ 29,385	\$ 116	\$ (2,942)	122%
March 2016	254	\$ 4,320	\$ 19,825	\$ 24,145	\$ 95	\$ 754	\$ 754	\$ 25,760	\$ 25,760	\$ 101	\$ 26,515	\$ 104	\$ (5,312)	110%
April 2016	254	\$ 4,314	\$ 19,760	\$ 24,074	\$ 95	\$ 754	\$ 754	\$ 23,010	\$ 23,010	\$ 91	\$ 23,764	\$ 94	\$ (5,001)	99%
May 2016	254	\$ 4,320	\$ 19,789	\$ 24,109	\$ 95	\$ 755	\$ 755	\$ 43,260	\$ 43,260	\$ 170	\$ 44,015	\$ 173	\$ (24,908)	183%
June 2016	258	\$ 4,376	\$ 20,046	\$ 24,423	\$ 95	\$ 765	\$ 765	\$ 56,310	\$ 56,310	\$ 219	\$ 57,075	\$ 221	\$ (57,560)	234%
July 2016	258	\$ 4,383	\$ 20,075	\$ 24,458	\$ 95	\$ 766	\$ 766	\$ 58,029	\$ 58,029	\$ 225	\$ 58,795	\$ 228	\$ (91,898)	240%
August 2016	259	\$ 4,395	\$ 20,132	\$ 24,527	\$ 95	\$ 769	\$ 769	\$ 60,432	\$ 60,432	\$ 234	\$ 61,201	\$ 236	\$ (128,571)	250%
September 2016	258	\$ 4,383	\$ 20,075	\$ 24,458	\$ 95	\$ 766	\$ 766	\$ 42,650	\$ 42,650	\$ 165	\$ 43,416	\$ 168	\$ (147,530)	178%
October 2016	259	\$ 4,395	\$ 20,132	\$ 24,527	\$ 95	\$ 769	\$ 769	\$ 45,169	\$ 45,169	\$ 175	\$ 45,938	\$ 178	\$ (168,940)	187%
November 2016	259	\$ 4,395	\$ 20,132	\$ 24,527	\$ 95	\$ 769	\$ 769	\$ 50,697	\$ 50,697	\$ 196	\$ 51,466	\$ 199	\$ (195,878)	210%
December 2016	259	\$ 4,401	\$ 20,161	\$ 24,562	\$ 95	\$ 770	\$ 770	\$ 54,854	\$ 54,854	\$ 212	\$ 55,624	\$ 215	\$ (226,940)	226%
PY 2017														
January 2017	250	\$ 7,912	\$ 17,890	\$ 25,803	\$ 103	\$ 848	\$ 848	\$ 61,619	\$ 61,619	\$ 246	\$ 62,467	\$ 250	\$ (36,664)	242%
February 2017	255	\$ 8,070	\$ 18,246	\$ 26,316	\$ 103	\$ 864	\$ 864	\$ 66,563	\$ 66,563	\$ 261	\$ 67,428	\$ 264	\$ (77,775)	256%
March 2017	255	\$ 8,081	\$ 18,272	\$ 26,353	\$ 103	\$ 866	\$ 866	\$ 66,967	\$ 66,967	\$ 262	\$ 67,832	\$ 266	\$ (119,255)	257%
April 2017	255	\$ 8,081	\$ 18,272	\$ 26,353	\$ 103	\$ 866	\$ 866	\$ 53,079	\$ 53,079	\$ 208	\$ 53,945	\$ 211	\$ (146,846)	205%
May 2017	255	\$ 8,059	\$ 18,221	\$ 26,279	\$ 103	\$ 863	\$ 863	\$ 53,321	\$ 53,321	\$ 209	\$ 54,184	\$ 213	\$ (174,752)	206%
June 2017	255	\$ 8,070	\$ 18,246	\$ 26,316	\$ 103	\$ 864	\$ 864	\$ 50,151	\$ 50,151	\$ 197	\$ 51,015	\$ 200	\$ (199,451)	194%
July 2017	256	\$ 8,104	\$ 18,322	\$ 26,426	\$ 103	\$ 868	\$ 868	\$ 58,909	\$ 58,909	\$ 230	\$ 59,777	\$ 233	\$ (232,802)	226%
August 2017	258	\$ 8,160	\$ 18,450	\$ 26,609	\$ 103	\$ 874	\$ 874	\$ 57,263	\$ 57,263	\$ 222	\$ 58,137	\$ 226	\$ (264,329)	218%
September 2017	259	\$ 8,193	\$ 18,526	\$ 26,719	\$ 103	\$ 878	\$ 878	\$ 56,709	\$ 56,709	\$ 219	\$ 57,587	\$ 222	\$ (295,197)	216%
October 2017	260	\$ 8,216	\$ 18,577	\$ 26,793	\$ 103	\$ 880	\$ 880	\$ 47,245	\$ 47,245	\$ 182	\$ 48,125	\$ 185	\$ (316,529)	180%
November 2017	261	\$ 8,250	\$ 18,653	\$ 26,903	\$ 103	\$ 884	\$ 884	\$ 52,494	\$ 52,494	\$ 201	\$ 53,378	\$ 205	\$ (343,004)	198%
December 2017	262	\$ 8,283	\$ 18,729	\$ 27,012	\$ 103	\$ 887	\$ 887	\$ 52,689	\$ 52,689	\$ 201	\$ 53,576	\$ 205	\$ (369,568)	198%
PYTD 2018														
January 2018	268	\$ 8,848	\$ 19,315	\$ 28,163	\$ 105	\$ 909	\$ 909	\$ 74,148	\$ 74,148	\$ 277	\$ 75,057	\$ 280	\$ (46,894)	267%
February 2018	269	\$ 8,792	\$ 19,204	\$ 27,996	\$ 104	\$ 912	\$ 912	\$ 69,039	\$ 69,039	\$ 257	\$ 69,951	\$ 260	\$ (88,849)	250%
March 2018	269	\$ 8,779	\$ 19,169	\$ 27,948	\$ 104	\$ 912	\$ 912	\$ 65,534	\$ 65,534	\$ 244	\$ 66,446	\$ 247	\$ (127,347)	238%
April 2018	270	\$ 8,813	\$ 19,239	\$ 28,052	\$ 104	\$ 915	\$ 915	\$ 51,723	\$ 51,723	\$ 192	\$ 52,638	\$ 195	\$ (151,933)	188%
May 2018	270	\$ 8,799	\$ 19,220	\$ 28,020	\$ 104	\$ 915	\$ 915	\$ 58,508	\$ 58,508	\$ 217	\$ 59,423	\$ 220	\$ (183,337)	212%
June 2018	271	\$ 8,847	\$ 19,324	\$ 28,171	\$ 104	\$ 919	\$ 919	\$ 56,005	\$ 56,005	\$ 207	\$ 56,924	\$ 210	\$ (212,090)	202%
July 2018	271	\$ 8,791	\$ 19,220	\$ 28,012	\$ 103	\$ 919	\$ 919	\$ 57,964	\$ 57,964	\$ 214	\$ 58,883	\$ 217	\$ (242,960)	210%
August 2018	268	\$ 8,710	\$ 19,040	\$ 27,749	\$ 104	\$ 909	\$ 909	\$ 66,025	\$ 66,025	\$ 246	\$ 66,934	\$ 250	\$ (282,145)	241%
September 2018	268	\$ 8,710	\$ 19,071	\$ 27,781	\$ 104	\$ 909	\$ 909	\$ 52,053	\$ 52,053	\$ 194	\$ 52,962	\$ 198	\$ (307,325)	191%
October 2018	268	\$ 8,673	\$ 18,997	\$ 27,670	\$ 103	\$ 909	\$ 909	\$ 46,557	\$ 46,557	\$ 174	\$ 47,466	\$ 177	\$ (327,120)	172%
November 2018	268	\$ 8,686	\$ 19,015	\$ 27,702	\$ 103	\$ 909	\$ 909	\$ 42,297	\$ 42,297	\$ 158	\$ 43,206	\$ 161	\$ (342,625)	156%
December 2018	0	\$ -	\$ -	\$ -	--	\$ -	\$ -	\$ -	\$ -	--	\$ -	--	\$ (342,625)	--

ABC Company Dental Financials by PY Plan 2

DP 2

	EE COUNT	BUDGET				FIXED COSTS		CLAIMS			EXPENSES		BUDGET VS. EXPENSES	
TIME PERIOD	EMPLOYEE COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
Rolling 24 Months	11,116	\$ 63,343	\$ 868,398	\$ 931,741	\$ 84	\$ 37,496	\$ 37,496	\$ -	\$ -	\$ -	\$ 37,496	\$ 3	\$ 894,245	4%
Prior 12 Months	5,564	\$ 27,764	\$ 434,551	\$ 462,316	\$ 83	\$ 18,674	\$ 18,674	\$ -	\$ -	\$ -	\$ 18,674	\$ 3	\$ 443,642	4%
Rolling 12 Months	5,552	\$ 35,579	\$ 433,846	\$ 469,425	\$ 85	\$ 18,822	\$ 18,822	\$ -	\$ -	\$ -	\$ 18,822	\$ 3	\$ 450,603	4%
PY 2016	5,316	\$ 26,421	\$ 384,953	\$ 411,374	\$ 77	\$ 15,790	\$ 15,790	\$ 127,505	\$ 127,505	\$ 24	\$ 143,294	\$ 27	\$ 268,080	35%
PY 2017	5,593	\$ 27,916	\$ 439,587	\$ 467,503	\$ 84	\$ 18,961	\$ 18,961	\$ -	\$ -	\$ -	\$ 18,961	\$ 3	\$ 448,542	4%
PYTD 2018	5,077	\$ 33,206	\$ 396,492	\$ 429,698	\$ 85	\$ 17,211	\$ 17,211	\$ -	\$ -	\$ -	\$ 17,211	\$ 3	\$ 412,487	4%

MONTH	EMPLOYEE COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
PY 2016														
January 2016	442	\$ 2,176	\$ 31,920	\$ 34,096	\$ 77	\$ 1,313	\$ 1,313	\$ 37,964	\$ 37,964	\$ 86	\$ 39,277	\$ 89	\$ (5,181)	115%
February 2016	444	\$ 2,196	\$ 32,036	\$ 34,232	\$ 77	\$ 1,319	\$ 1,319	\$ 28,400	\$ 28,400	\$ 64	\$ 29,719	\$ 67	\$ (667)	87%
March 2016	443	\$ 2,194	\$ 31,958	\$ 34,152	\$ 77	\$ 1,316	\$ 1,316	\$ 34,773	\$ 34,773	\$ 78	\$ 36,089	\$ 81	\$ (2,605)	106%
April 2016	437	\$ 2,176	\$ 31,677	\$ 33,853	\$ 77	\$ 1,298	\$ 1,298	\$ 26,367	\$ 26,367	\$ 60	\$ 27,665	\$ 63	\$ 3,584	82%
May 2016	438	\$ 2,179	\$ 31,723	\$ 33,902	\$ 77	\$ 1,300	\$ 1,300	\$ -	\$ -	\$ -	\$ 1,300	\$ 3	\$ 36,186	4%
June 2016	443	\$ 2,207	\$ 32,136	\$ 34,343	\$ 77	\$ 1,317	\$ 1,317	\$ -	\$ -	\$ -	\$ 1,317	\$ 3	\$ 69,213	4%
July 2016	444	\$ 2,211	\$ 32,182	\$ 34,392	\$ 77	\$ 1,319	\$ 1,319	\$ -	\$ -	\$ -	\$ 1,319	\$ 3	\$ 102,287	4%
August 2016	445	\$ 2,217	\$ 32,273	\$ 34,490	\$ 77	\$ 1,322	\$ 1,322	\$ -	\$ -	\$ -	\$ 1,322	\$ 3	\$ 135,455	4%
September 2016	444	\$ 2,211	\$ 32,182	\$ 34,392	\$ 77	\$ 1,319	\$ 1,319	\$ -	\$ -	\$ -	\$ 1,319	\$ 3	\$ 168,529	4%
October 2016	445	\$ 2,217	\$ 32,273	\$ 34,490	\$ 77	\$ 1,322	\$ 1,322	\$ -	\$ -	\$ -	\$ 1,322	\$ 3	\$ 201,697	4%
November 2016	445	\$ 2,217	\$ 32,273	\$ 34,490	\$ 77	\$ 1,322	\$ 1,322	\$ -	\$ -	\$ -	\$ 1,322	\$ 3	\$ 234,865	4%
December 2016	446	\$ 2,220	\$ 32,319	\$ 34,539	\$ 77	\$ 1,324	\$ 1,324	\$ -	\$ -	\$ -	\$ 1,324	\$ 3	\$ 268,080	4%
PY 2017														
January 2017	454	\$ 2,266	\$ 35,682	\$ 37,948	\$ 84	\$ 1,539	\$ 1,539	\$ -	\$ -	\$ -	\$ 1,539	\$ 3	\$ 36,409	4%
February 2017	463	\$ 2,311	\$ 36,391	\$ 38,703	\$ 84	\$ 1,570	\$ 1,570	\$ -	\$ -	\$ -	\$ 1,570	\$ 3	\$ 73,542	4%
March 2017	464	\$ 2,314	\$ 36,442	\$ 38,756	\$ 84	\$ 1,572	\$ 1,572	\$ -	\$ -	\$ -	\$ 1,572	\$ 3	\$ 110,726	4%
April 2017	464	\$ 2,314	\$ 36,442	\$ 38,756	\$ 84	\$ 1,572	\$ 1,572	\$ -	\$ -	\$ -	\$ 1,572	\$ 3	\$ 147,911	4%
May 2017	462	\$ 2,308	\$ 36,341	\$ 38,649	\$ 84	\$ 1,567	\$ 1,567	\$ -	\$ -	\$ -	\$ 1,567	\$ 3	\$ 184,992	4%
June 2017	463	\$ 2,311	\$ 36,391	\$ 38,703	\$ 84	\$ 1,570	\$ 1,570	\$ -	\$ -	\$ -	\$ 1,570	\$ 3	\$ 222,125	4%
July 2017	465	\$ 2,321	\$ 36,544	\$ 38,864	\$ 84	\$ 1,576	\$ 1,576	\$ -	\$ -	\$ -	\$ 1,576	\$ 3	\$ 259,413	4%
August 2017	468	\$ 2,337	\$ 36,797	\$ 39,134	\$ 84	\$ 1,587	\$ 1,587	\$ -	\$ -	\$ -	\$ 1,587	\$ 3	\$ 296,960	4%
September 2017	470	\$ 2,346	\$ 36,949	\$ 39,295	\$ 84	\$ 1,594	\$ 1,594	\$ -	\$ -	\$ -	\$ 1,594	\$ 3	\$ 334,661	4%
October 2017	471	\$ 2,353	\$ 37,050	\$ 39,403	\$ 84	\$ 1,598	\$ 1,598	\$ -	\$ -	\$ -	\$ 1,598	\$ 3	\$ 372,466	4%
November 2017	473	\$ 2,363	\$ 37,202	\$ 39,565	\$ 84	\$ 1,605	\$ 1,605	\$ -	\$ -	\$ -	\$ 1,605	\$ 3	\$ 410,427	4%
December 2017	475	\$ 2,372	\$ 37,354	\$ 39,727	\$ 84	\$ 1,611	\$ 1,611	\$ -	\$ -	\$ -	\$ 1,611	\$ 3	\$ 448,542	4%
PYTD 2018														
January 2018	466	\$ 3,053	\$ 36,466	\$ 39,520	\$ 85	\$ 1,580	\$ 1,580	\$ -	\$ -	\$ -	\$ 1,580	\$ 3	\$ 37,940	4%
February 2018	463	\$ 3,048	\$ 36,311	\$ 39,359	\$ 85	\$ 1,570	\$ 1,570	\$ -	\$ -	\$ -	\$ 1,570	\$ 3	\$ 75,729	4%
March 2018	461	\$ 3,033	\$ 36,101	\$ 39,135	\$ 85	\$ 1,563	\$ 1,563	\$ -	\$ -	\$ -	\$ 1,563	\$ 3	\$ 113,301	4%
April 2018	462	\$ 3,051	\$ 36,385	\$ 39,436	\$ 85	\$ 1,566	\$ 1,566	\$ -	\$ -	\$ -	\$ 1,566	\$ 3	\$ 151,170	4%
May 2018	462	\$ 3,015	\$ 36,043	\$ 39,058	\$ 85	\$ 1,566	\$ 1,566	\$ -	\$ -	\$ -	\$ 1,566	\$ 3	\$ 188,662	4%
June 2018	462	\$ 3,022	\$ 36,161	\$ 39,184	\$ 85	\$ 1,566	\$ 1,566	\$ -	\$ -	\$ -	\$ 1,566	\$ 3	\$ 226,279	4%
July 2018	460	\$ 3,007	\$ 35,939	\$ 38,946	\$ 85	\$ 1,559	\$ 1,559	\$ -	\$ -	\$ -	\$ 1,559	\$ 3	\$ 263,666	4%
August 2018	461	\$ 3,010	\$ 35,943	\$ 38,953	\$ 84	\$ 1,563	\$ 1,563	\$ -	\$ -	\$ -	\$ 1,563	\$ 3	\$ 301,056	4%
September 2018	460	\$ 2,995	\$ 35,755	\$ 38,750	\$ 84	\$ 1,559	\$ 1,559	\$ -	\$ -	\$ -	\$ 1,559	\$ 3	\$ 338,246	4%
October 2018	459	\$ 2,977	\$ 35,598	\$ 38,575	\$ 84	\$ 1,556	\$ 1,556	\$ -	\$ -	\$ -	\$ 1,556	\$ 3	\$ 375,265	4%
November 2018	461	\$ 2,995	\$ 35,789	\$ 38,785	\$ 84	\$ 1,563	\$ 1,563	\$ -	\$ -	\$ -	\$ 1,563	\$ 3	\$ 412,487	4%
December 2018	0	\$ -	\$ -	\$ -	--	\$ -	\$ -	\$ -	\$ -	--	\$ -	--	\$ 412,487	--

	EE COUNT	BUDGET				FIXED COSTS		CLAIMS			EXPENSES		BUDGET VS. EXPENSES	
TIME PERIOD	EMPLOYEE COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
Rolling 24 Months	11,116	\$ 63,343	\$ 868,398	\$ 931,741	\$ 84	\$ 37,496	\$ 37,496	\$ -	\$ -	\$ -	\$ 37,496	\$ 3	\$ 894,245	4%
Prior 12 Months	5,564	\$ 27,764	\$ 434,551	\$ 462,316	\$ 83	\$ 18,674	\$ 18,674	\$ -	\$ -	\$ -	\$ 18,674	\$ 3	\$ 443,642	4%
Rolling 12 Months	5,552	\$ 35,579	\$ 433,846	\$ 469,425	\$ 85	\$ 18,822	\$ 18,822	\$ -	\$ -	\$ -	\$ 18,822	\$ 3	\$ 450,603	4%
PY 2016	5,316	\$ 26,421	\$ 384,953	\$ 411,374	\$ 77	\$ 15,790	\$ 15,790	\$ 127,505	\$ 127,505	\$ 24	\$ 143,294	\$ 27	\$ 268,080	35%
PY 2017	5,593	\$ 27,916	\$ 439,587	\$ 467,503	\$ 84	\$ 18,961	\$ 18,961	\$ -	\$ -	\$ -	\$ 18,961	\$ 3	\$ 448,542	4%
PYTD 2018	5,077	\$ 33,206	\$ 396,492	\$ 429,698	\$ 85	\$ 17,211	\$ 17,211	\$ -	\$ -	\$ -	\$ 17,211	\$ 3	\$ 412,487	4%

MONTH	EMPLOYEE COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	DENTAL CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
December 2016	446	\$ 2,220	\$ 32,319	\$ 34,539	\$ 77	\$ 1,324	\$ 1,324	\$ -	\$ -	\$ -	\$ 1,324	\$ 3	\$ 33,215	4%
January 2017	454	\$ 2,266	\$ 35,682	\$ 37,948	\$ 84	\$ 1,539	\$ 1,539	\$ -	\$ -	\$ -	\$ 1,539	\$ 3	\$ 69,624	4%
February 2017	463	\$ 2,311	\$ 36,391	\$ 38,703	\$ 84	\$ 1,570	\$ 1,570	\$ -	\$ -	\$ -	\$ 1,570	\$ 3	\$ 106,757	4%
March 2017	464	\$ 2,314	\$ 36,442	\$ 38,756	\$ 84	\$ 1,572	\$ 1,572	\$ -	\$ -	\$ -	\$ 1,572	\$ 3	\$ 143,941	4%
April 2017	464	\$ 2,314	\$ 36,442	\$ 38,756	\$ 84	\$ 1,572	\$ 1,572	\$ -	\$ -	\$ -	\$ 1,572	\$ 3	\$ 181,126	4%
May 2017	462	\$ 2,308	\$ 36,341	\$ 38,649	\$ 84	\$ 1,567	\$ 1,567	\$ -	\$ -	\$ -	\$ 1,567	\$ 3	\$ 218,207	4%
June 2017	463	\$ 2,311	\$ 36,391	\$ 38,703	\$ 84	\$ 1,570	\$ 1,570	\$ -	\$ -	\$ -	\$ 1,570	\$ 3	\$ 255,340	4%
July 2017	465	\$ 2,321	\$ 36,544	\$ 38,864	\$ 84	\$ 1,576	\$ 1,576	\$ -	\$ -	\$ -	\$ 1,576	\$ 3	\$ 292,628	4%
August 2017	468	\$ 2,337	\$ 36,797	\$ 39,134	\$ 84	\$ 1,587	\$ 1,587	\$ -	\$ -	\$ -	\$ 1,587	\$ 3	\$ 330,175	4%
September 2017	470	\$ 2,346	\$ 36,949	\$ 39,295	\$ 84	\$ 1,594	\$ 1,594	\$ -	\$ -	\$ -	\$ 1,594	\$ 3	\$ 367,876	4%
October 2017	471	\$ 2,353	\$ 37,050	\$ 39,403	\$ 84	\$ 1,598	\$ 1,598	\$ -	\$ -	\$ -	\$ 1,598	\$ 3	\$ 405,682	4%
November 2017	473	\$ 2,363	\$ 37,202	\$ 39,565	\$ 84	\$ 1,605	\$ 1,605	\$ -	\$ -	\$ -	\$ 1,605	\$ 3	\$ 443,642	4%
December 2017	475	\$ 2,372	\$ 37,354	\$ 39,727	\$ 84	\$ 1,611	\$ 1,611	\$ -	\$ -	\$ -	\$ 1,611	\$ 3	\$ 481,757	4%
January 2018	466	\$ 3,053	\$ 36,466	\$ 39,520	\$ 85	\$ 1,580	\$ 1,580	\$ -	\$ -	\$ -	\$ 1,580	\$ 3	\$ 519,697	4%
February 2018	463	\$ 3,048	\$ 36,311	\$ 39,359	\$ 85	\$ 1,570	\$ 1,570	\$ -	\$ -	\$ -	\$ 1,570	\$ 3	\$ 557,486	4%
March 2018	461	\$ 3,033	\$ 36,101	\$ 39,135	\$ 85	\$ 1,563	\$ 1,563	\$ -	\$ -	\$ -	\$ 1,563	\$ 3	\$ 595,058	4%
April 2018	462	\$ 3,051	\$ 36,385	\$ 39,436	\$ 85	\$ 1,566	\$ 1,566	\$ -	\$ -	\$ -	\$ 1,566	\$ 3	\$ 632,928	4%
May 2018	462	\$ 3,015	\$ 36,043	\$ 39,058	\$ 85	\$ 1,566	\$ 1,566	\$ -	\$ -	\$ -	\$ 1,566	\$ 3	\$ 670,419	4%
June 2018	462	\$ 3,022	\$ 36,161	\$ 39,184	\$ 85	\$ 1,566	\$ 1,566	\$ -	\$ -	\$ -	\$ 1,566	\$ 3	\$ 708,037	4%
July 2018	460	\$ 3,007	\$ 35,939	\$ 38,946	\$ 85	\$ 1,559	\$ 1,559	\$ -	\$ -	\$ -	\$ 1,559	\$ 3	\$ 745,423	4%
August 2018	461	\$ 3,010	\$ 35,943	\$ 38,953	\$ 84	\$ 1,563	\$ 1,563	\$ -	\$ -	\$ -	\$ 1,563	\$ 3	\$ 782,813	4%
September 2018	460	\$ 2,995	\$ 35,755	\$ 38,750	\$ 84	\$ 1,559	\$ 1,559	\$ -	\$ -	\$ -	\$ 1,559	\$ 3	\$ 820,004	4%
October 2018	459	\$ 2,977	\$ 35,598	\$ 38,575	\$ 84	\$ 1,556	\$ 1,556	\$ -	\$ -	\$ -	\$ 1,556	\$ 3	\$ 857,023	4%
November 2018	461	\$ 2,995	\$ 35,789	\$ 38,785	\$ 84	\$ 1,563	\$ 1,563	\$ -	\$ -	\$ -	\$ 1,563	\$ 3	\$ 894,245	4%

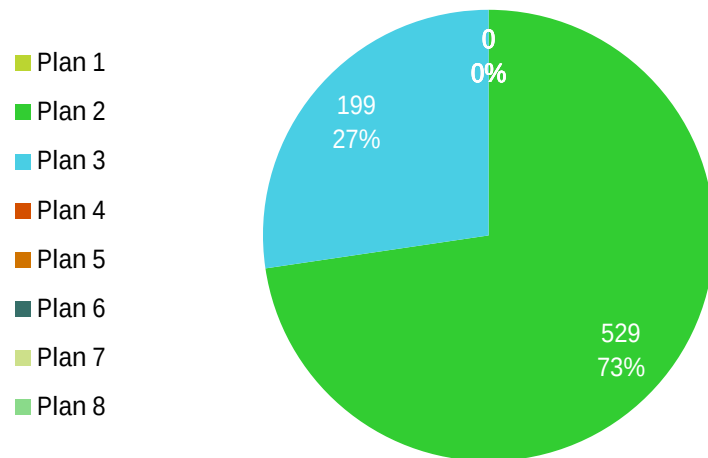
ABC Company Vision Monthly Financials by PY

	ENROLLMENT		BUDGET				FIXED COSTS		CLAIMS			EXPENSES		BUDGET VS. EXPENSES	
TIME PERIOD	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	VISION CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
Rolling 24 Months	17,103	7,703	\$ -	\$ 264,232	\$ 264,232	\$ 15	\$ 34,816	\$ 34,816	\$ 219,932	\$ 219,932	\$ 13	\$ 254,748	\$ 15	\$ 9,484	96%
Prior 12 Months	8,479	3,889	\$ -	\$ 127,584	\$ 127,584	\$ 15	\$ 17,137	\$ 17,137	\$ 104,576	\$ 104,576	\$ 12	\$ 121,713	\$ 14	\$ 5,871	95%
Rolling 12 Months	8,624	3,813	\$ -	\$ 136,648	\$ 136,648	\$ 16	\$ 17,679	\$ 17,679	\$ 115,356	\$ 115,356	\$ 13	\$ 133,035	\$ 15	\$ 3,613	97%
PY 2016	8,328	3,897	\$ -	\$ 123,064	\$ 123,064	\$ 15	\$ 14,158	\$ 14,158	\$ 103,388	\$ 103,388	\$ 12	\$ 117,546	\$ 14	\$ 5,519	96%
PY 2017	8,499	3,895	\$ -	\$ 128,121	\$ 128,121	\$ 15	\$ 17,423	\$ 17,423	\$ 104,284	\$ 104,284	\$ 12	\$ 121,707	\$ 14	\$ 6,414	95%
PYTD 2018	7,903	3,483	\$ -	\$ 125,779	\$ 125,779	\$ 16	\$ 16,201	\$ 16,201	\$ 103,388	\$ 103,388	\$ 13	\$ 119,589	\$ 15	\$ 6,190	95%

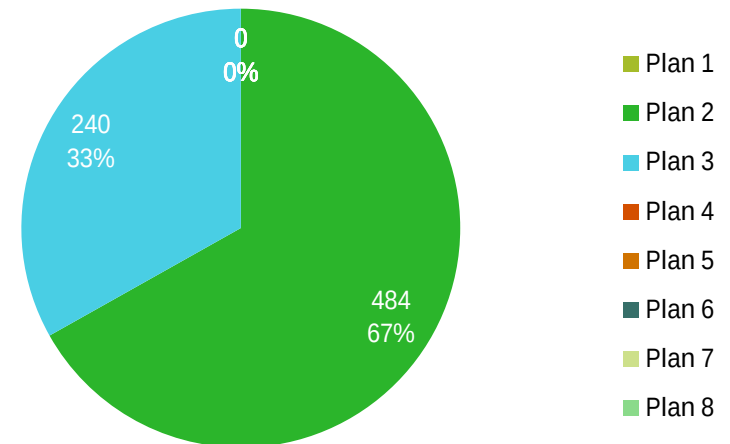
MONTH	EMPLOYEE COUNT	MEMBER COUNT	EMPLOYEE CONTR.	COMPANY CONTR.	TOTAL BUDGET	PEPM	ADMIN FEES	FIXED COSTS	VISION CLAIMS	TOTAL CLAIMS	PEPM	TOTAL EXPENSES	PEPM	SURPLUS / DEFICIT	BUDGET VS. EXPENSES
PY 2016															
January 2016	693	327	\$ -	\$ 10,259	\$ 10,259	\$ 15	\$ 1,178	\$ 1,178	\$ 8,729	\$ 8,729	\$ 13	\$ 9,907	\$ 14	\$ 352	97%
February 2016	689	324	\$ -	\$ 10,171	\$ 10,171	\$ 15	\$ 1,171	\$ 1,171	\$ 8,288	\$ 8,288	\$ 12	\$ 9,459	\$ 14	\$ 1,063	93%
March 2016	694	324	\$ -	\$ 10,233	\$ 10,233	\$ 15	\$ 1,180	\$ 1,180	\$ 8,974	\$ 8,974	\$ 13	\$ 10,154	\$ 15	\$ 1,142	99%
April 2016	686	320	\$ -	\$ 10,115	\$ 10,115	\$ 15	\$ 1,166	\$ 1,166	\$ 7,851	\$ 7,851	\$ 11	\$ 9,017	\$ 13	\$ 2,240	89%
May 2016	688	323	\$ -	\$ 10,190	\$ 10,190	\$ 15	\$ 1,170	\$ 1,170	\$ 8,942	\$ 8,942	\$ 13	\$ 10,112	\$ 15	\$ 2,318	99%
June 2016	691	323	\$ -	\$ 10,225	\$ 10,225	\$ 15	\$ 1,175	\$ 1,175	\$ 5,973	\$ 5,973	\$ 9	\$ 7,148	\$ 10	\$ 5,396	70%
July 2016	694	323	\$ -	\$ 10,242	\$ 10,242	\$ 15	\$ 1,180	\$ 1,180	\$ 7,042	\$ 7,042	\$ 10	\$ 8,222	\$ 12	\$ 7,416	80%
August 2016	697	325	\$ -	\$ 10,286	\$ 10,286	\$ 15	\$ 1,185	\$ 1,185	\$ 10,976	\$ 10,976	\$ 16	\$ 12,161	\$ 17	\$ 5,542	118%
September 2016	696	327	\$ -	\$ 10,315	\$ 10,315	\$ 15	\$ 1,183	\$ 1,183	\$ 6,100	\$ 6,100	\$ 9	\$ 7,283	\$ 10	\$ 8,573	71%
October 2016	698	329	\$ -	\$ 10,347	\$ 10,347	\$ 15	\$ 1,187	\$ 1,187	\$ 10,322	\$ 10,322	\$ 15	\$ 11,509	\$ 16	\$ 7,411	111%
November 2016	701	327	\$ -	\$ 10,350	\$ 10,350	\$ 15	\$ 1,192	\$ 1,192	\$ 7,931	\$ 7,931	\$ 11	\$ 9,123	\$ 13	\$ 8,638	88%
December 2016	701	325	\$ -	\$ 10,332	\$ 10,332	\$ 15	\$ 1,192	\$ 1,192	\$ 12,260	\$ 12,260	\$ 17	\$ 13,452	\$ 19	\$ 5,519	130%
PY 2017															
January 2017	683	313	\$ -	\$ 10,296	\$ 10,296	\$ 15	\$ 1,400	\$ 1,400	\$ 12,157	\$ 12,157	\$ 18	\$ 13,557	\$ 20	\$ (3,261)	132%
February 2017	704	323	\$ -	\$ 10,613	\$ 10,613	\$ 15	\$ 1,443	\$ 1,443	\$ 9,730	\$ 9,730	\$ 14	\$ 11,173	\$ 16	\$ (3,822)	105%
March 2017	710	325	\$ -	\$ 10,703	\$ 10,703	\$ 15	\$ 1,456	\$ 1,456	\$ 7,095	\$ 7,095	\$ 10	\$ 8,551	\$ 12	\$ (1,669)	80%
April 2017	708	324	\$ -	\$ 10,673	\$ 10,673	\$ 15	\$ 1,451	\$ 1,451	\$ 8,522	\$ 8,522	\$ 12	\$ 9,973	\$ 14	\$ (969)	93%
May 2017	711	326	\$ -	\$ 10,718	\$ 10,718	\$ 15	\$ 1,458	\$ 1,458	\$ 8,612	\$ 8,612	\$ 12	\$ 10,070	\$ 14	\$ (321)	94%
June 2017	703	322	\$ -	\$ 10,598	\$ 10,598	\$ 15	\$ 1,441	\$ 1,441	\$ 7,418	\$ 7,418	\$ 11	\$ 8,859	\$ 13	\$ 1,418	84%
July 2017	708	324	\$ -	\$ 10,673	\$ 10,673	\$ 15	\$ 1,451	\$ 1,451	\$ 6,818	\$ 6,818	\$ 10	\$ 8,269	\$ 12	\$ 3,821	77%
August 2017	708	324	\$ -	\$ 10,673	\$ 10,673	\$ 15	\$ 1,451	\$ 1,451	\$ 9,919	\$ 9,919	\$ 14	\$ 11,370	\$ 16	\$ 3,124	107%
September 2017	710	325	\$ -	\$ 10,703	\$ 10,703	\$ 15	\$ 1,456	\$ 1,456	\$ 7,490	\$ 7,490	\$ 11	\$ 8,946	\$ 13	\$ 4,882	84%
October 2017	716	328	\$ -	\$ 10,794	\$ 10,794	\$ 15	\$ 1,468	\$ 1,468	\$ 7,869	\$ 7,869	\$ 11	\$ 9,337	\$ 13	\$ 6,338	87%
November 2017	717	329	\$ -	\$ 10,809	\$ 10,809	\$ 15	\$ 1,470	\$ 1,470	\$ 6,686	\$ 6,686	\$ 9	\$ 8,156	\$ 11	\$ 8,991	75%
December 2017	721	330	\$ -	\$ 10,869	\$ 10,869	\$ 15	\$ 1,478	\$ 1,478	\$ 11,968	\$ 11,968	\$ 17	\$ 13,446	\$ 19	\$ 6,414	124%
PYTD 2018															
January 2018	722	318	\$ -	\$ 11,487	\$ 11,487	\$ 16	\$ 1,480	\$ 1,480	\$ 10,733	\$ 10,733	\$ 15	\$ 12,213	\$ 17	\$ (726)	106%
February 2018	718	316	\$ -	\$ 11,419	\$ 11,419	\$ 16	\$ 1,472	\$ 1,472	\$ 11,468	\$ 11,468	\$ 16	\$ 12,940	\$ 18	\$ (2,246)	113%
March 2018	718	316	\$ -	\$ 11,419	\$ 11,419	\$ 16	\$ 1,472	\$ 1,472	\$ 14,704	\$ 14,704	\$ 20	\$ 16,176	\$ 23	\$ (7,003)	142%
April 2018	717	316	\$ -	\$ 11,413	\$ 11,413	\$ 16	\$ 1,470	\$ 1,470	\$ 8,088	\$ 8,088	\$ 11	\$ 9,558	\$ 13	\$ (5,147)	84%
May 2018	719	317	\$ -	\$ 11,443	\$ 11,443	\$ 16	\$ 1,474	\$ 1,474	\$ 8,077	\$ 8,077	\$ 11	\$ 9,551	\$ 13	\$ (3,255)	83%
June 2018	716	316	\$ -	\$ 11,402	\$ 11,402	\$ 16	\$ 1,468	\$ 1,468	\$ 8,592	\$ 8,592	\$ 12	\$ 10,060	\$ 14	\$ (1,913)	88%
July 2018	723	319	\$ -	\$ 11,511	\$ 11,511	\$ 16	\$ 1,482	\$ 1,482	\$ 8,966	\$ 8,966	\$ 12	\$ 10,448	\$ 14	\$ (850)	91%
August 2018	719	317	\$ -	\$ 11,443	\$ 11,443	\$ 16	\$ 1,474	\$ 1,474	\$ 12,333	\$ 12,333	\$ 17	\$ 13,807	\$ 19	\$ (3,213)	121%
September 2018	717	316	\$ -	\$ 11,413	\$ 11,413	\$ 16	\$ 1,470	\$ 1,470	\$ 5,998	\$ 5,998	\$ 8	\$ 7,468	\$ 10	\$ 732	65%
October 2018	717	316	\$ -	\$ 11,413	\$ 11,413	\$ 16	\$ 1,470	\$ 1,470	\$ 6,365	\$ 6,365	\$ 9	\$ 7,835	\$ 11	\$ 4,310	69%
November 2018	717	316	\$ -	\$ 11,413	\$ 11,413	\$ 16	\$ 1,470	\$ 1,470	\$ 8,064	\$ 8,064	\$ 11	\$ 9,534	\$ 13	\$ 6,190	84%
December 2018	0	0	\$ -	\$ -	\$ -	--	\$ -	\$ -	\$ -	\$ -	--	\$ -	--	\$ 6,190	--

ABC Company Plan Migration Analysis

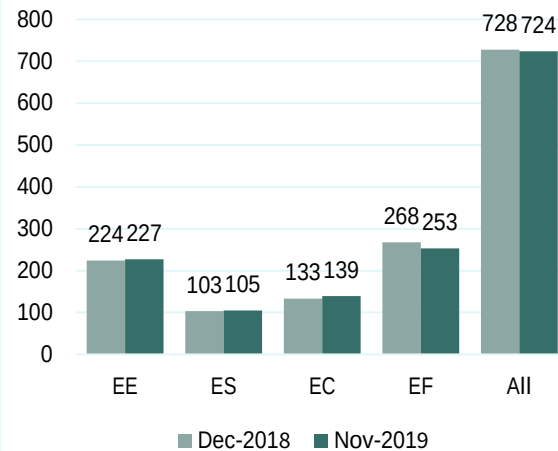
Dec-2018



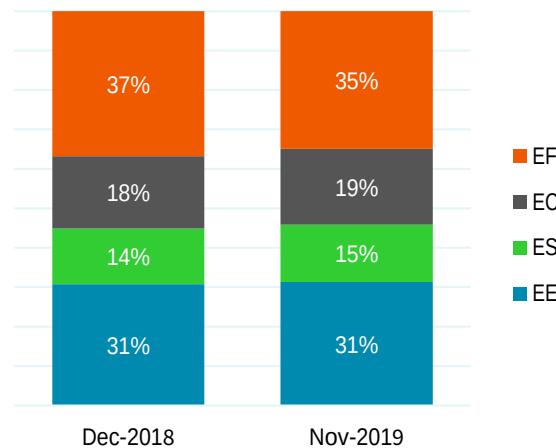
Nov-2019



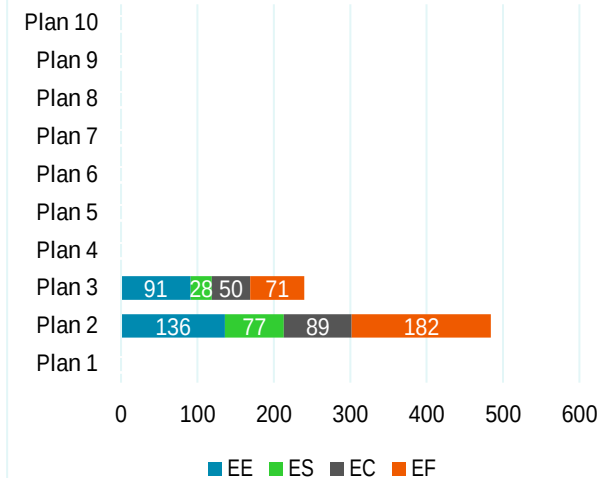
COVERAGE TIER COMPARISON



COVERAGE TIER COMPARISON

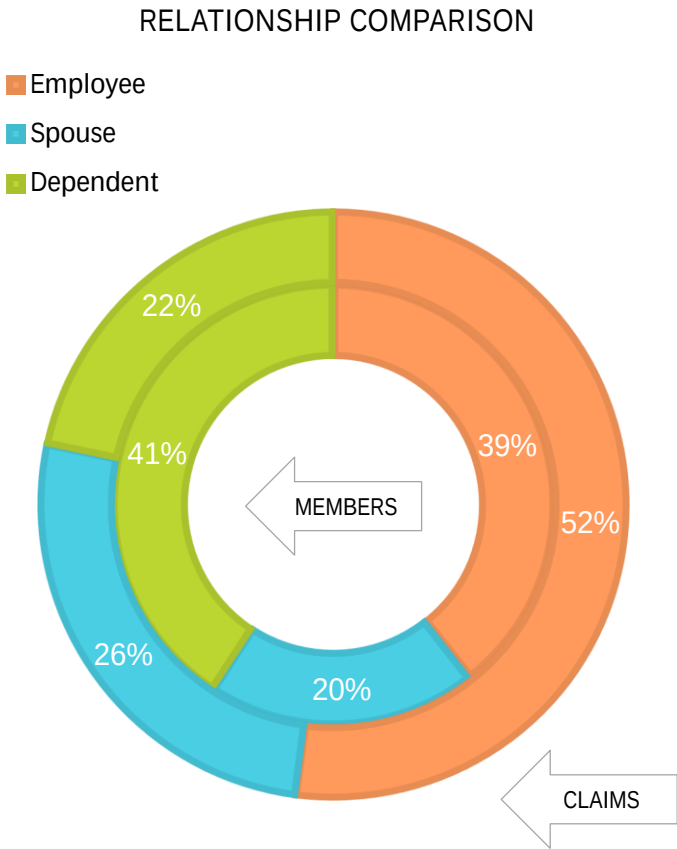
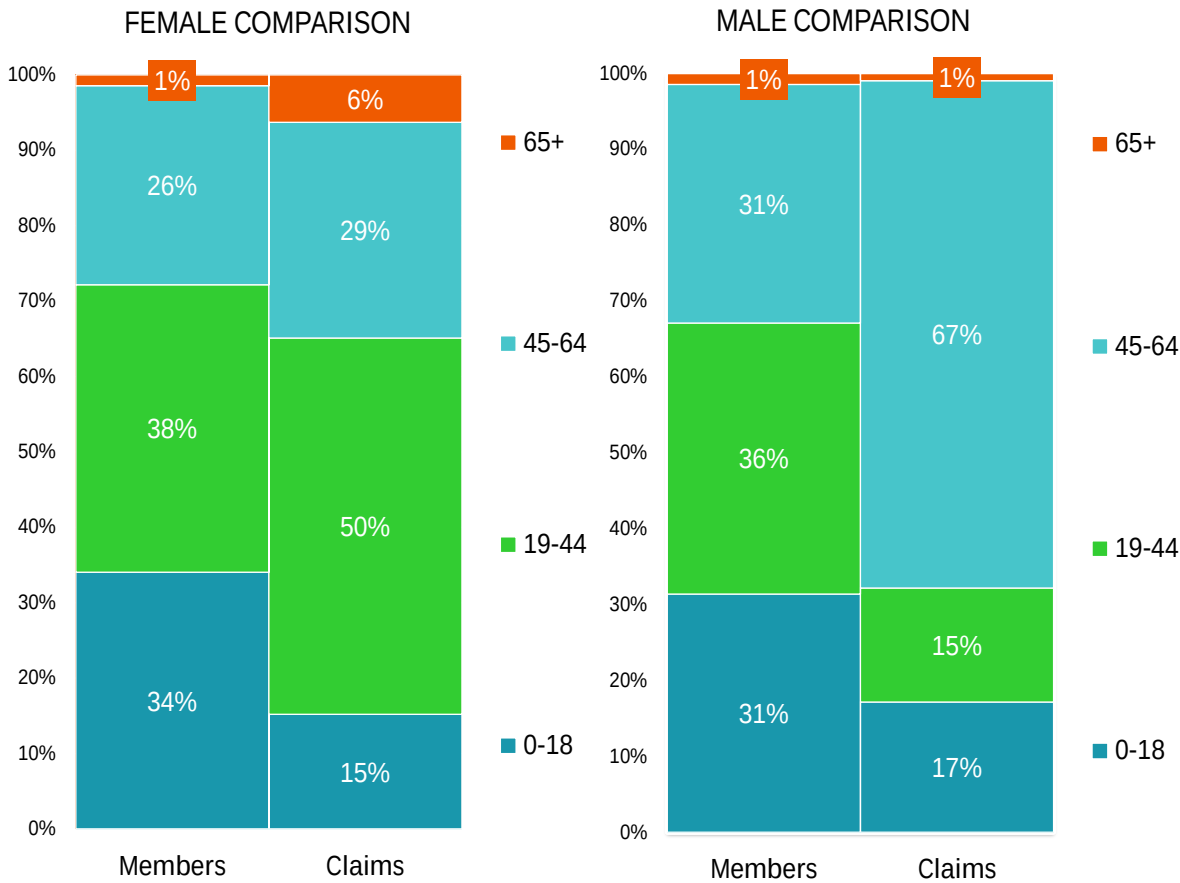


PLAN COMPARISON



ABC Company Demographic Analysis

Reporting Period: Rolling 12 Months

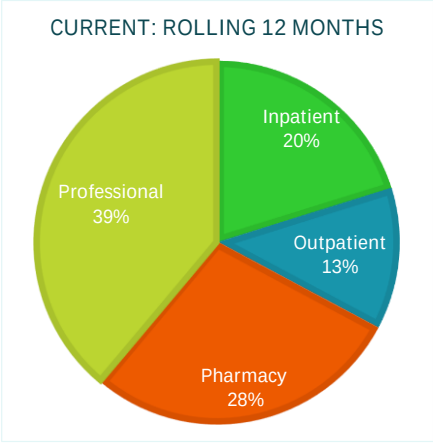
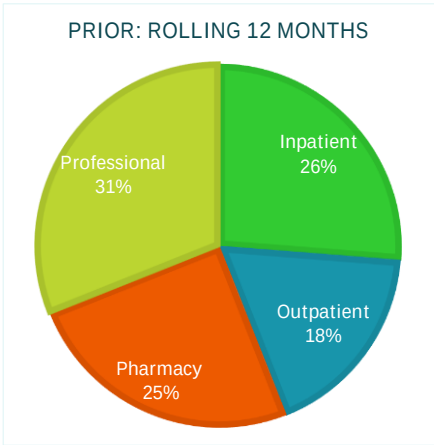


Current Rolling 12 Months	Female				Male			
Age Groups	Average Members	Total Claims	PMPM	YOY PMPM Δ	Average Members	Total Claims	PMPM	YOY PMPM Δ
0-18	300	\$257,001	\$143	-20%	302	\$326,653	\$180	-4%
19-44	335	\$843,479	\$419	20%	343	\$286,114	\$139	117%
45-64	232	\$483,580	\$347	-17%	302	\$1,272,041	\$702	-9%
65+	13	\$106,395	\$1,419	1%	14	\$17,690	\$213	-86%
Total	879	\$1,690,455	320.40469	-2%	961	\$1,902,498	329.89384	-3%

Current Rolling 12 Months	Relationship Comparison			
Relationship	Average Members	Total Claims	PMPM	YOY PMPM Δ
Employee	725	\$2,465,653	\$283	-46%
Spouse	365	\$1,243,896	\$569	-14%
Dependent	751	\$1,026,171	\$228	-4%
Total	1,840	\$4,735,720	\$215.00	-50%

UTILIZATION

Reporting Period: Rolling 12 Months



Metric	Prior: Rolling 12 Months			Current: Rolling 12 Months			Δ	Benchmark
	Total Claims	PMPM	% of Claims	Total Claims	PMPM	% of Claims		
Inpatient	\$2,497,563	\$113.49	26%	\$956,331	\$43.42	20%	-62%	\$96.91
Outpatient	\$1,690,759	\$76.83	18%	\$596,845	\$27.10	13%	-65%	\$108.95
Pharmacy	\$2,374,205	\$107.89	25%	\$1,339,850	\$60.83	28%	-44%	\$84.48
Professional	\$2,954,965	\$134.28	31%	\$1,842,694	\$83.66	39%	-38%	\$94.50
In-Network Medical	\$6,974,947	\$316.96	95%	\$3,544,791	\$160.93	99%	-49%	
Out-of-Network Medical	\$368,015	\$16.72	5%	\$48,162	\$2.19	1%	-87%	

PHARMACY

Prescriptions	% of Services	Benchmark
Generic		80%
Single-Source Brand		
Multi-Source Brand		

Rolling 12 Time Period: December 2017 - November 2018

Top Therapeutic Classes by Cost

- Class 1
- Class 2
- Class 3

Top Therapeutic Classes by Volume

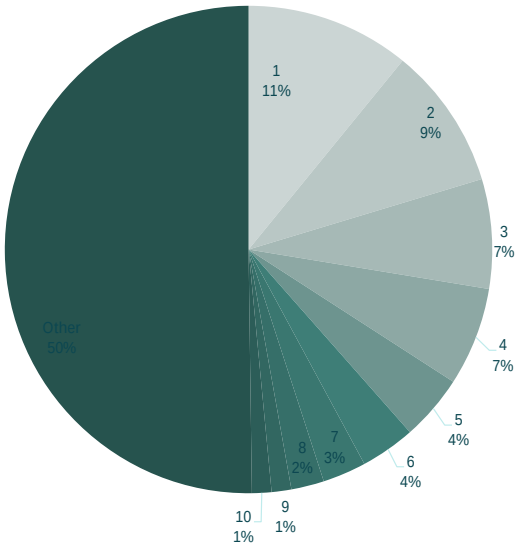
- Class 1
- Class 2
- Class 3

Top Drugs by Cost

- Drug 1
- Drug 2
- Drug 3

TOP DIAGNOSES

Diagnosis / Diagnostic Category



Diagnosis / Diagnostic Category	Paid	% of Medical Claims
1	\$750,000	11%
2	\$650,000	9%
3	\$500,000	7%
4	\$450,000	7%
5	\$300,000	4%
6	\$250,000	4%
7	\$199,000	3%
8	\$150,000	2%
9	\$90,000	1%
10	\$89,000	1%

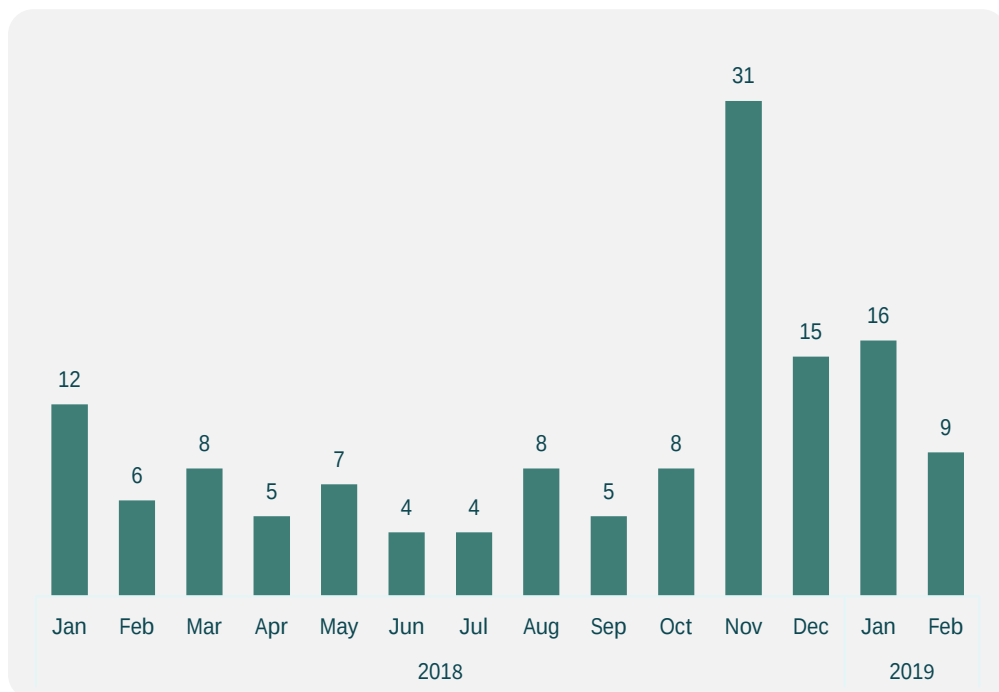
Rolling 12 Time Period: December 2017 - November 2018

ABC Company Detailed Utilization

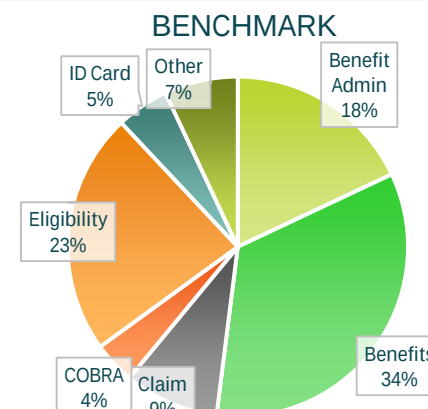
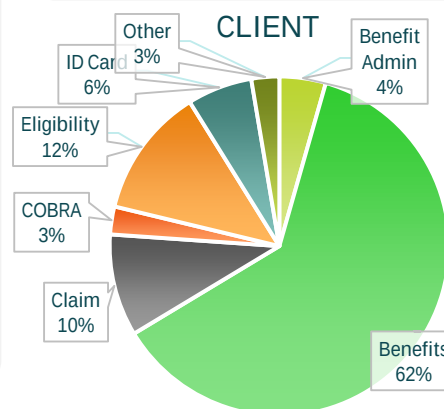
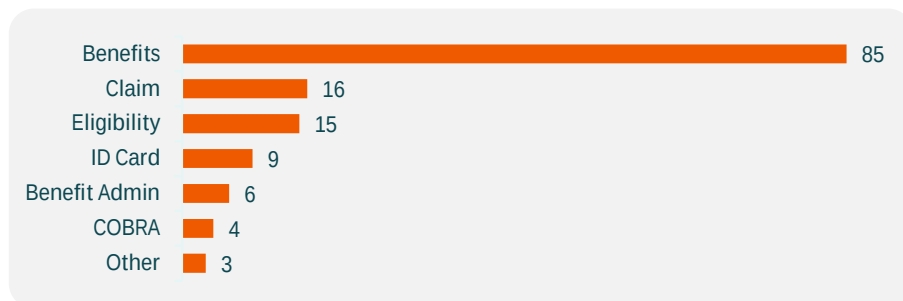


ABC Company Customer Support Monthly Trend

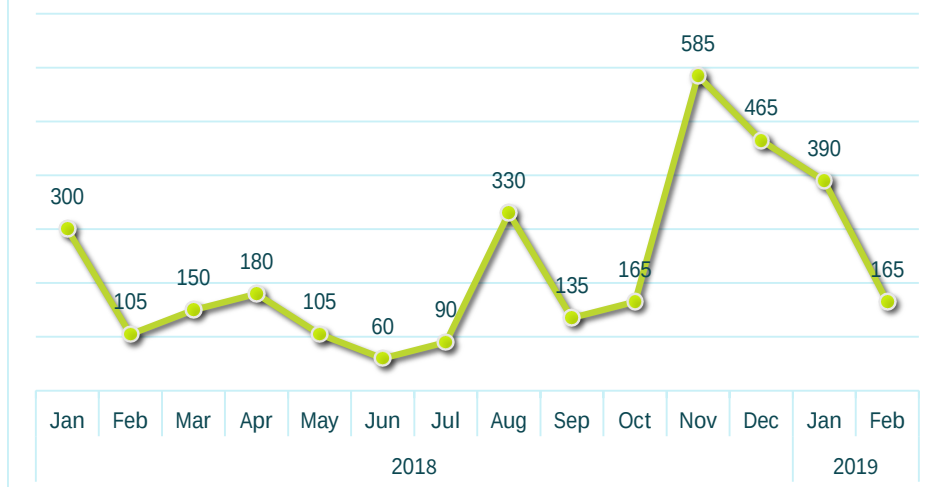
CASE TREND BY MONTH



CASE TYPES



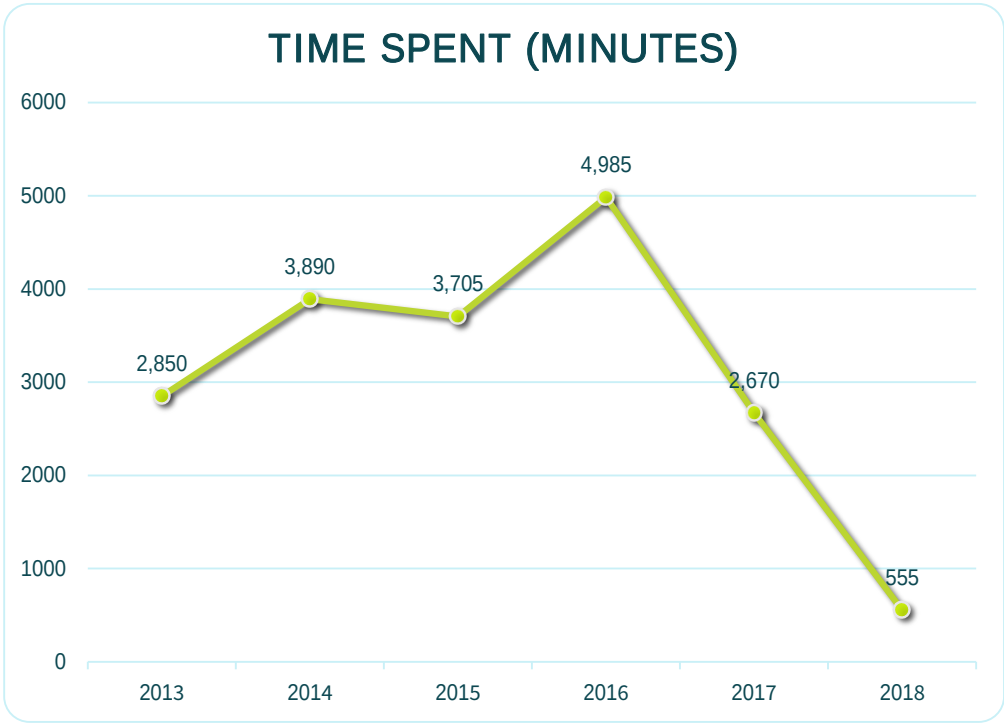
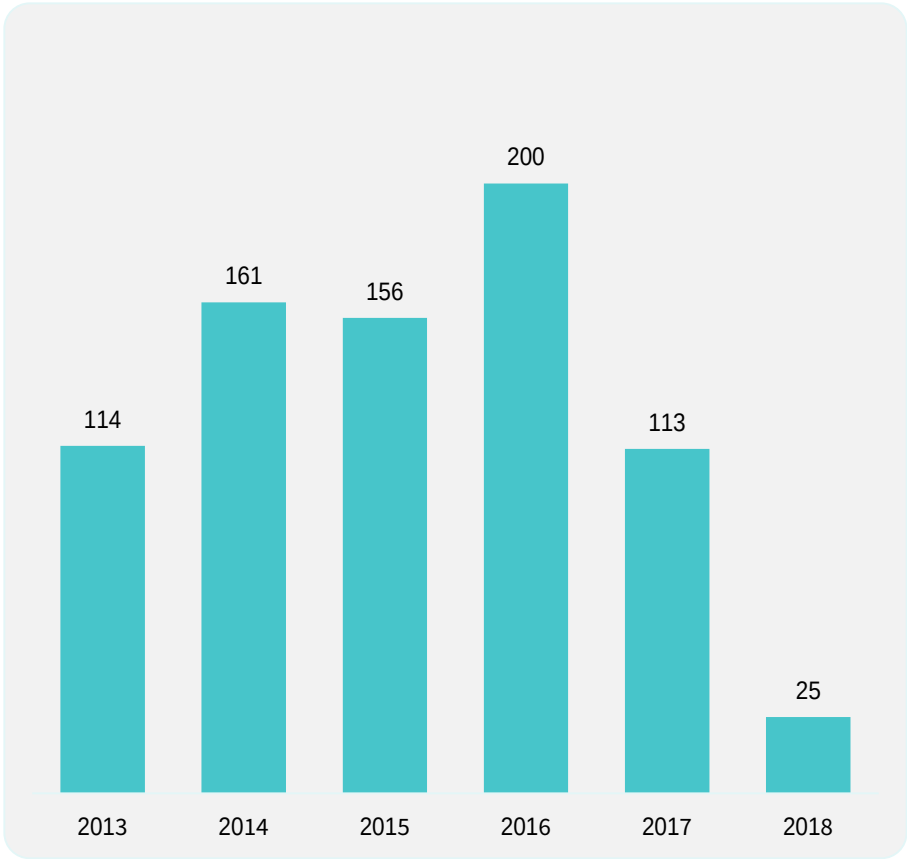
TOTAL TIME SPENT (MINUTES)



Type	Sum of Time		
	Average of Time Spent (Minutes)	Spent (Minutes)	Number Escalated
Benefit Admin	21	105	0
Benefits	21	1500	0
Claim	48	525	0
COBRA	30	90	0
Eligibility	21	300	0
ID Card	15	105	0
Other	15	45	0
Summary	24	2670	0

ABC Company Customer Support Annual Trend

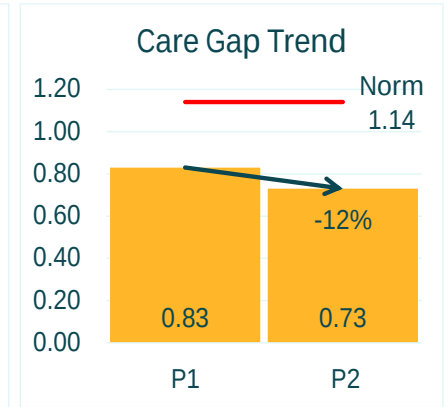
ANNUAL CASE TREND



ABC Company Population Health Dashboard

Quality & Risk

Quality & Risk Scores	ABC Company		Trend	Norm
	Prior: 12/2017- 11/2018	Current: 12/2018- 11/2019		
Average Risk Index	5.58	5.03	-10%	5.76
Average Care Gap Index (CGI)	0.83	0.73	-12%	1.14
Current Relative Risk Score (RRS)	1.01	1.00	-1%	
Future Risk	0.93	0.93	0%	



Population Most at Risk

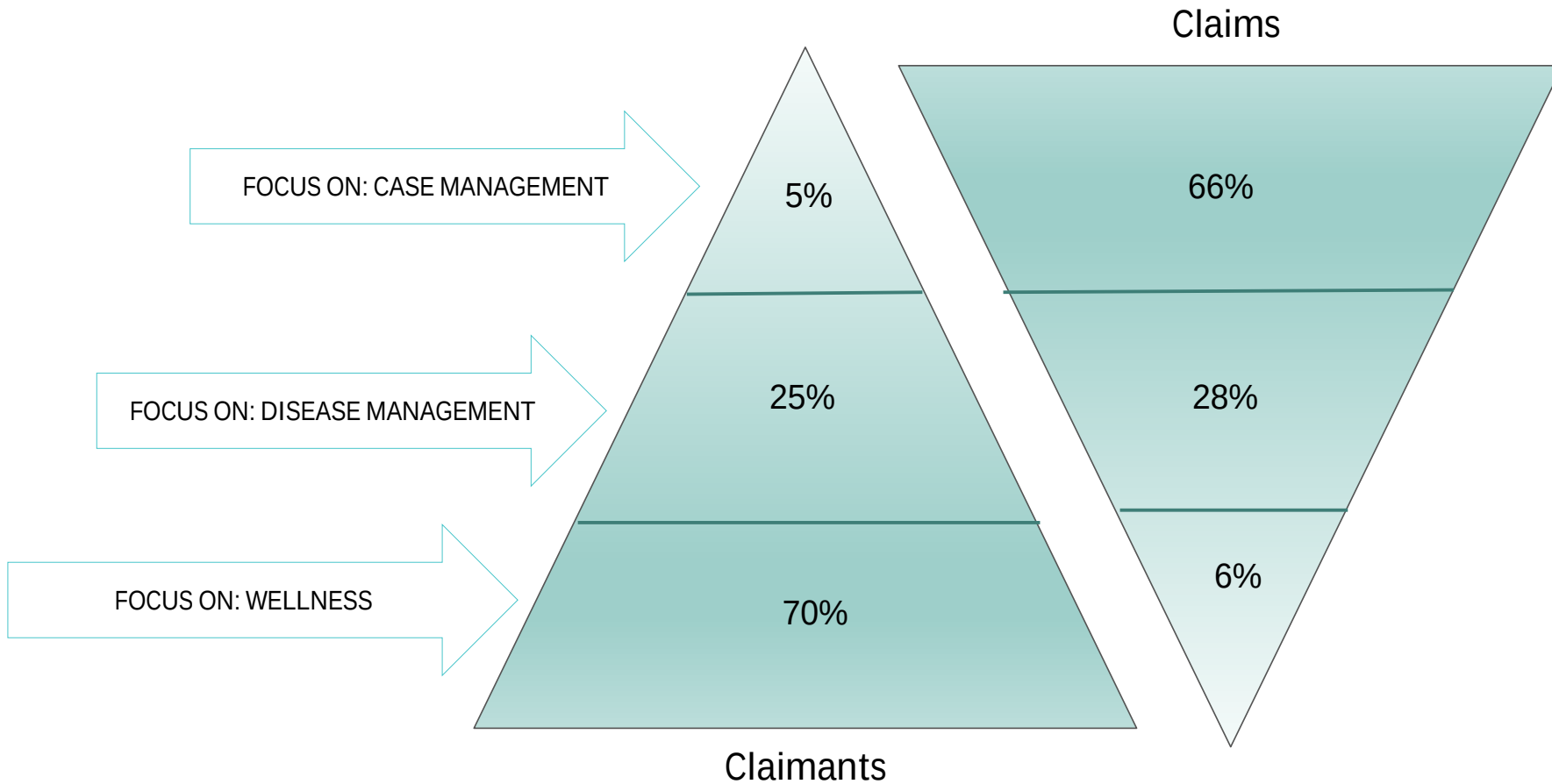
Disease Prevalence	Count	Paid PMPY	Paid Norm	% of Population	RRS	CGI	Readmission Rate
Hypertension	99	\$11,991	\$9,637	6.2%	3.26	2.72	10.5%
Diabetes	55	\$10,554	\$12,179	3.5%	3.09	4.77	12.5%
Asthma	38	\$14,750	\$8,291	2.4%	3.98	2.96	33.3%
Coronary Artery Disease	9	\$17,084	\$20,925	0.6%	4.62	3.13	
Chronic Obstructive Pulmonary Disease	4	\$94,652	\$23,325	0.3%	25.09	3.9	40.0%
Chronic Heart Failure	2	\$39,955	\$44,647	0.1%	4.34	2.5	

Top Diagnoses by Paid Amount		% of Total Paid Claims		Top Potential Large Claim Diagnoses		Average RRS	Average CGI
Newborn Care	\$389,955		9%	Diabetes Mellitus		2.43	5.78
Secondary Malignancy	\$272,898		6%	Chest Pain		1.57	5.86
Osteoarthritis	\$213,017		5%	Gynecological Disorders		1.81	4.25
ENT and Upper Resp Disorders	\$175,404		4%	ENT and Upper Resp Disorders		2.51	4.75
Joint Derangement	\$168,971		4%	Gall Bladder Diseases		1.92	4.67
Diabetes Mellitus	\$158,797		3%	Sleep Apnea		2.77	5.33

* Rolling 12 Time Period P2.

* Rolling 12 Time Period P2. Based on Volume. Criteria = Total Paid Claims <\$25,000, RI >8, CGI >3

ABC Company Claim Distribution



% of Claimants	Claimants	Claims	% of Claims	Claims / Claimant	% Claims Norm
1%	5	\$381,855	33%	\$76,371	31%
4%	18	\$371,688	33%	\$20,649	28%
10%	46	\$251,245	22%	\$5,462	23%
15%	68	\$72,536	6%	\$1,067	12%
30%	137	\$43,929	4%	\$321	6%
40%	182	\$19,895	1.74%	\$109	1%

Rolling 12 Time Period: December 2017 - November 2018

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ABC Company Risk Definitions

Care Gap Index	<i>A member is said to have a Care Gap when that individual is not compliant with a quality measure. The weights for each care gap included in the index range from 1 to 3. Weights are assigned according to severity - low/medium/high. For example, a care gap weight of 3 is assigned to gaps where a lapse is considered severe. CGI is used to find individuals who are most out of synch with good medical care.</i>
Concurrent Risk	<i>When calculating average concurrent risk for a population, each individual's contribution to the average is meant to reflect his or her estimated risk during the entire base year. Concurrent models predict a full year of resource use, so the relative risk scores would be overstated for people with less than a full year of eligibility</i>
Prospective Risk	<i>Prospective models are designed to predict resource use in a future period. Given that the relative risk score is predicting next year's total risk and that it is impossible to obtain next year's enrollment information, it would be inappropriate to weight calculation of the prospective relative risk scores. Clients usually process these models at the end of a particular run-out period and do not yet fully know how enrollment may change in the subsequent year.</i>
Relative Risk Score	<i>The Relative Risk Score (RRS) is a measure of resource use - in total cost or count of outcomes events - relative to an average person. A relative risk score of 1.00 means that the person's risk burden (and predicted cost) is equal to the mean (average) in the development sample. The RRS is a prediction relative to an average person in the development datasets. For example, an individual with a RRS of 1.50 is predicted to spend one and a half times (50% more) in resources compared to the average person in the benchmark sample. Similarly, in an outcomes events model an RRS of 1.50 reflects the likelihood of an individual to have one and a half as many of the predicted events (such as hospitalizations) as the average. All DxCG risk models predict one year of risk. RRS is used to help you understand resource use and population-based clinical outcomes.</i>
Risk Index	<i>The Risk Index (RI) is a numerical representation of the frequency of occurrence of certain risk-predictive "events" within a member's Individual Claim Detail. Each red flag diagnosis, procedure, or drug contributes to the total score. The model considers disease specific criteria, co-morbidities, and treatment patterns. An individual with a risk index ≥ 21 is considered to have high risk. RI is used to find individuals with the greatest health problems</i>

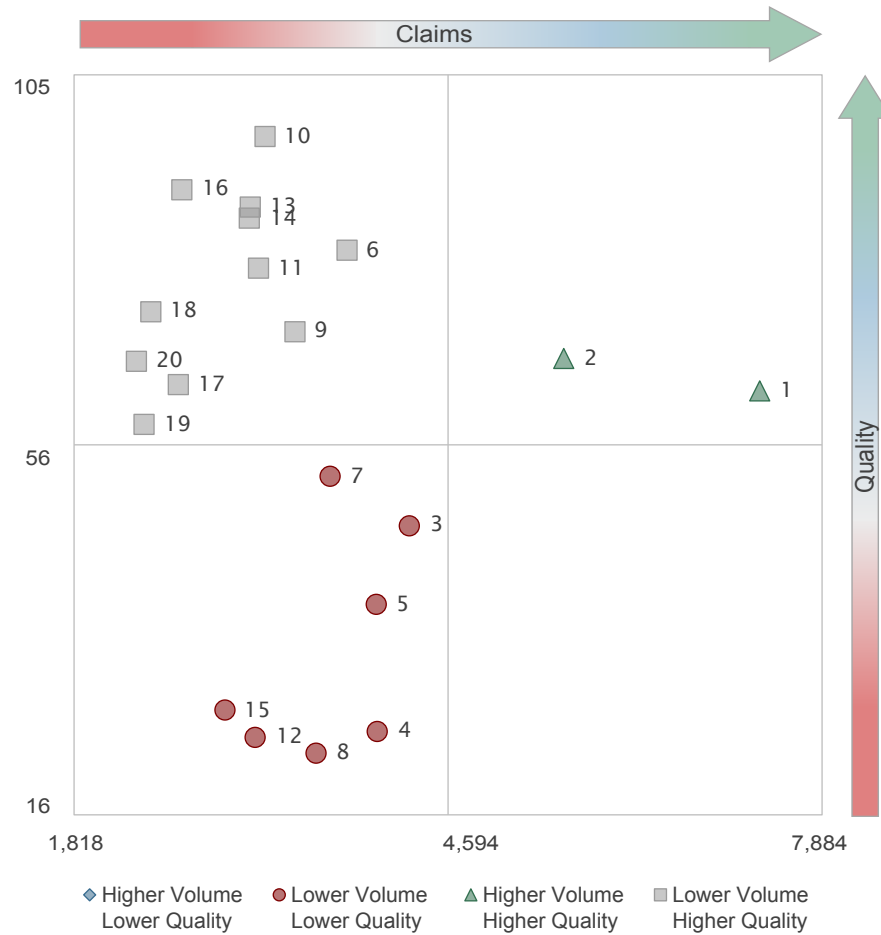
ABC Company Underwriting Exhibit

Claims Projected: January 1, 2021 - December 31, 2021

Renewal Date	Jan-21	Total	
Most Recent Experience Month	Nov-20	Medical	Pharmacy
Current Funding (Monthly)			
Current Monthly Enrollment			
Current Funding PEPM			\$1,057,062
			724
Paid Claims (Rolling 12 - Current)		\$6,886,082	\$2,318,148
Annual Subscriber Lives (Rolling 12 - Current)		8,698	8,698
Paid Claims PEPM		\$792	\$267
Trend Adjustment			
Annual Trend		6.25%	10.00%
Applied Trend Factor		1.0787	1.1265
Trended Claims PEPM (Rolling 12 - Current)		\$854	\$300
Claim Adjustments (Rolling 12 - Current)			
Plan Design Adjustments		\$0.00	\$0.00
Large Claim Adjustment		(\$112.52)	(\$112.52)
Adjusted Trended Claims PEPM (Rolling 12 - Current)		\$741	\$300
Paid Claims (Rolling 12 - Prior)		\$7,386,480	\$2,136,180
Annual Subscriber Lives (Rolling 12 - Prior)		8,537	8,537
Paid Claims PEPM		\$865	\$250
Trend Adjustment			
Annual Trend		6.25%	10.00%
Applied Trend Factor		1.1461	1.2392
Trended Claims PEPM (Rolling 12 - Prior)		\$992	\$310
Claim Adjustments (Rolling 12 - Prior)			
Large Claim Adjustment		(\$87.78)	(\$87.78)
Adjusted Trended Claims PEPM (Rolling 12 - Prior)		\$904	\$310
Multi-Year Underwriting Adjustment (Weights Current: 75% / Prior: 25%)			
Blended Trended Claims PEPM		\$782	\$303
Margin (Claim Fluctuation Reserve - 3.0%)		\$23	\$9
Rx Rebates - Rolling 12			(\$23)
Program Fixed Costs		\$157	\$157
Net Required Funding PEPM		\$963	\$289
Net Required Funding Change			-14.3%

Hospital Usage and Quality

The Hospital Usage and Quality report analyzes inpatient and outpatient facility hospital claims that were successfully matched to a provider and clinical category in the Quantros CareChex provider quality data set. It tracks claims volume against the medical excellence rating of the provider to highlight hospitals with high volume and low quality who may be candidates for redirection or network redesign. The quadrant chart will also suggest providers whose relative performance indicates that they may be underutilized given the quality of care they provide.



SN	Provider NPI	Hospital Name	Claims*	Paid Amount	Quality	Quadrant
1	1649209230	VALLEY MEDICAL CENTER	7,167	\$12,403,001	63.18	Higher Volume, Higher Quality
2	1184722779	UCSD MEDICAL CENTER	5,549	\$11,884,275	67.20	Higher Volume, Higher Quality
3	1861409823	EL CENTRO REGIONAL MEDICAL CENTER	4,274	\$4,108,759	46.42	Lower Volume, Lower Quality
4	1124076039	EVANGELICAL COMMUNITY HOSPITAL	4,009	\$4,363,463	20.89	Lower Volume, Lower Quality
5	1194711952	LOMPOC VALLEY MEDICAL CENTER	4,001	\$2,767,320	36.67	Lower Volume, Lower Quality
6	1174582050	UNIVERSITY OF TEXAS M. D. ANDERSON CANCER CENTER	3,760	\$14,997,047	80.64	Lower Volume, Higher Quality
7	1760510937	DIGNITY HEALTH	3,620	\$6,555,874	52.57	Lower Volume, Lower Quality
8	1679525919	THE CLEVELAND CLINIC FOUNDATION	3,504	\$4,735,365	18.19	Lower Volume, Lower Quality
9	1992798409	KOOTENAI HEALTH	3,330	\$6,001,261	70.52	Lower Volume, Higher Quality
10	1003864810	CENTRAL DUPAGE HOSPITAL ASSOCIATION	3,083	\$2,322,016	94.76	Lower Volume, Higher Quality

*Values are approximate.

Hospital Usage and Quality

Population: Book of Business

SN	Provider NPI	Hospital Name	Claims*	Paid Amount	Quality	Quadrant
11	1801870191	SANFORD BEMIDJI MEDICAL CENTER	3,029	\$3,702,628	78.41	Lower Volume, Higher Quality
12	1568435477	THE MILTON S HERSHEY MEDICAL CENTER	3,001	\$7,693,018	20.15	Lower Volume, Lower Quality
13	1730132234	MEMORIAL HERMANN HEALTH SYSTEM	2,961	\$7,362,376	86.00	Lower Volume, Higher Quality
14	1407813603	UPMC PINNACLE HOSPITALS	2,953	\$4,069,656	84.63	Lower Volume, Higher Quality
15	1497859649	NORTHWESTERN MEMORIAL HOSPITAL	2,752	\$3,973,515	23.55	Lower Volume, Lower Quality
16	1518951300	HOAG MEMORIAL HOSPITAL PRESBYTERIAN	2,396	\$5,605,890	88.14	Lower Volume, Higher Quality
17	1538141627	HANFORD COMMUNITY HOSPITAL	2,367	\$3,557,856	63.96	Lower Volume, Higher Quality
18	1548387418	HOUSTON METHODIST HOSPITAL	2,140	\$9,172,338	73.00	Lower Volume, Higher Quality
19	1083732853	ST. ELIZABETH COMMUNITY HOSPITAL	2,084	\$4,378,856	59.02	Lower Volume, Higher Quality
20	1003991845	PROVIDENCE PORTLAND MEDICAL CENTER	2,021	\$2,054,494	66.85	Lower Volume, Higher Quality

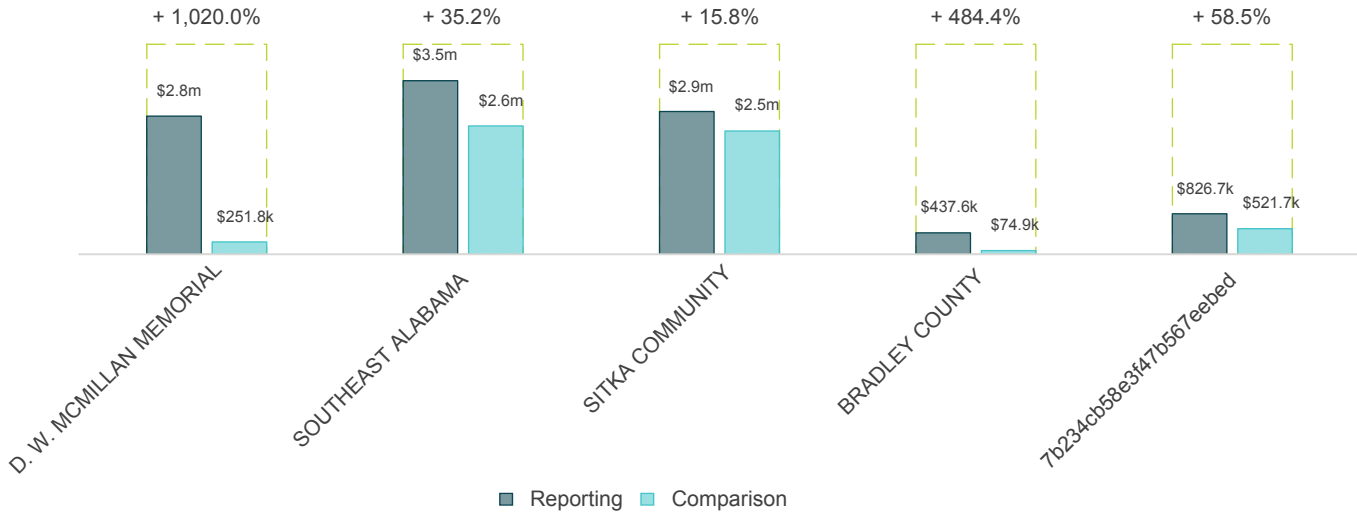
*Values are approximate.

Top 20 Providers - Comparison



This report presents the top highest paid providers during the reporting and comparison periods. Claims paid for a single Provider ID are grouped under that provider in the report. Both institutional and individual providers are included in the ranking. The chart shows the top providers that had the most growth in terms of amount paid between the comparison period and reporting period.

Largest Dollar Increase from Comparison Period



• D. W. MCMILLAN MEMORIAL HOSPITAL had the largest change in the reporting period with an increase of \$2,568,601 from the comparison period and had the most significant growth percentage in the reporting period at 1020% (\$2,568,601).

Provider	Reporting Period Jan 2020 through Dec 2020	Comparison Period Jan 2019 through Dec 2019	%Δ	Prior Period Rank
	Total Paid Amount	Total Paid Amount		
SOUTHEAST ALABAMA MEDICAL CENTER	\$3,543,726	\$2,620,551	35%	2
SITKA COMMUNITY HOSPITAL	\$2,914,648	\$2,516,826	16%	3
D. W. MCMILLAN MEMORIAL HOSPITAL	\$2,820,419	\$251,818	1,020%	17
PROVIDENCE ALASKA MEDICAL CENTER	\$2,597,238	\$2,821,649	-8%	1
FLOYD CHEROKEE MEDICAL CENTER LLC	\$854,995	\$1,256,786	-32%	4
7b234cb58e3f47b567eedbedfa7ef9469	\$826,731	\$521,712	58%	8
SOUTH BALDWIN REGIONAL MEDICAL CENTER	\$807,700	\$638,334	27%	6
HUNTSVILLE HOSPITAL	\$740,211	\$648,820	14%	5
ST. JOSEPH'S BEHAVIORAL HEALTH CENTER	\$681,052	\$495,434	37%	9
ST. VINCENTS BIRMINGHAM	\$627,729	\$572,598	10%	7
CHANDLER REGIONAL MEDICAL CENTER	\$611,556	\$412,549	48%	13
GLENWOOD INTERNAL MEDICINE, LLP	\$516,461	\$485,440	6%	11
HAVASU REGIONAL MEDICAL CENTER	\$442,024	\$404,005	9%	14
BRADLEY COUNTY MEDICAL CENTER	\$437,569	\$74,869	484%	20
RUSSELL COUNTY COMMUNITY HOSPITAL LLC	\$436,720	\$491,081	-11%	10
INFIRMARY HEALTH HOSPITALS, INC	\$409,942	\$382,544	7%	15
PARKER ADVENTIST HOSPITAL	\$387,578	\$288,247	34%	16
NORTHWEST ARKANSAS HOSPITALS LLC	\$357,764	\$465,296	-23%	12
SUTTER TRACY COMMUNITY HOSPITAL	\$348,499	\$111,732	212%	19
MILLS-PENINSULA HEALTH SERVICES	\$322,010	\$136,740	135%	18
All Others	\$28,787,733	\$27,620,544	4%	
Total	\$49,472,305	\$43,217,576		
PMPM	\$336	\$321		

Reporting Period: Paid January 2020 to December 2020

Comparison Period: Paid January 2019 to December 2019

Benchmark: Commercial

Provider Cost Aggregation



Metric: ER Visits

Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
SITKA COMMUNITY HOSPITAL - (1780085381)	200	\$3,159	\$2,360	\$800
PROVIDENCE ALASKA MEDICAL CENTER - (1497113625)	136	\$2,415	\$1,436	\$980
D. W. MCMILLAN MEMORIAL HOSPITAL - (1255776639)	132	\$3,085	\$2,470	\$614
SOUTHEAST ALABAMA MEDICAL CENTER - (1013143320)	127	\$1,652	\$1,243	\$409
FLOYD CHEROKEE MEDICAL CENTER LLC - (1659868297)	115	\$2,680	\$1,488	\$1,192
HAVASU REGIONAL MEDICAL CENTER - (1780761866)	97	\$2,959	\$1,773	\$1,185
ST. JOSEPH'S BEHAVIORAL HEALTH CENTER - (1053443473)	64	\$2,084	\$1,698	\$385
GLENWOOD INTERNAL MEDICINE, LLP - (1427081595)	59	\$2,728	\$1,738	\$991
WHITE MEMORIAL MEDICAL CENTER - (1952382947)	54	\$2,706	\$1,653	\$1,053
PARKER ADVENTIST HOSPITAL - (1114433562)	47	\$1,878	\$1,517	\$361
SHARP CHULA VISTA MEDICAL CENTER - (1396728630)	39	\$2,640	\$1,813	\$827
HUNTSVILLE HOSPITAL - (1447221056)	39	\$1,812	\$1,040	\$772
ST. VINCENTS BIRMINGHAM - (1841298999)	34	\$1,426	\$612	\$814
CHAPMAN GLOBAL MEDICAL CENTER, INC - (1477672665)	33	\$2,752	\$2,205	\$546
MILLS-PENINSULA HEALTH SERVICES - (1518937051)	33	\$1,085	\$413	\$672
SOUTH BALDWIN REGIONAL MEDICAL CENTER - (1053382655)	31	\$4,379	\$2,854	\$1,525
INFIRMARY HEALTH HOSPITALS, INC - (1740295484)	30	\$2,011	\$1,364	\$646
ST. JOSEPHS HOSPITAL - (1306212923)	29	\$1,825	\$950	\$875
SHARP GROSSMONT HOSPITAL - (1528041811)	28	\$2,202	\$1,464	\$738
MERCY MEDICAL CENTER MERCED - (1518018191)	25	\$1,546	\$763	\$783
MERCY REGIONAL MEDICAL CENTER - (1083611644)	24	\$3,028	\$2,195	\$833
BRIM HOLDING COMPANY, INC. - (1922353754)	24	\$2,263	\$1,324	\$940
RUSSELL COUNTY COMMUNITY HOSPITAL LLC - (1023050101)	21	\$2,180	\$1,249	\$931
SOUTH SHORE HOSPITAL CORPORATION - (1861569253)	19	\$2,004	\$1,313	\$690
SIMI VALLEY HOSPITAL - (1134521040)	18	\$3,692	\$2,554	\$1,139
ST. PETERS COMMUNITY HOSPITAL - (1851495576)	18	\$1,913	\$1,429	\$484

Reporting Period: Paid January 2020 to December 2020

Benchmark: Commercial

Provider Cost Aggregation

Population: Book of Business



Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
LAKEWOOD REGIONAL MEDICAL CENTER - (1902831621)	18	\$1,679	\$962	\$716
TRANSITIONAL CARE CENTER - (1366484503)	17	\$3,294	\$2,658	\$636
CHANDLER REGIONAL MEDICAL CENTER - (1700910189)	17	\$1,999	\$1,314	\$685
HANFORD REGIONAL HEALTHCARE - (1720061138)	17	\$3,948	\$2,344	\$1,603
SUTTER BAY HOSPITALS - (1740413798)	17	\$1,692	\$771	\$920
OAKWOOD SOUTHSORE MEDICAL CENTER - (1548404973)	16	\$2,098	\$1,701	\$397
AVENTURA HOSPITAL AND MEDICAL CENTER - (1821035957)	16	\$5,845	\$4,842	\$1,003
NORTHSIDE HOSPITAL FORSYTH - (1376574277)	15	\$3,353	\$1,802	\$1,552
JOHN MUIR HEALTH, WALNUT CREEK MEDICAL CENTER - (1740215219)	14	\$2,373	\$1,583	\$790
UNIVERSAL HEALTH SERVICES OF RANCHO SPRINGS INC - (1245221050)	13	\$2,323	\$1,452	\$871
MANCHESTER MEMORIAL HOSPITAL - (1336404169)	13	\$1,894	\$1,120	\$774
MEMORIAL HOSPITAL JACKSONVILLE - (1447206438)	12	\$1,011	\$557	\$453
MORGAN MEMORIAL HOSPITAL - (1245235837)	11	\$1,696	\$1,029	\$666
MYRTUE MEDICAL CENTER - SHELBY CLINIC - (1316054034)	11	\$851	\$273	\$578
COMMUNITY HEALTHCARE OF DOUGLAS - (1427228212)	11	\$1,657	\$627	\$1,030
KAISER FOUNDATION HOSPITAL - ORANGE COUNTY - ANAHEIM MEDICAL CENTER - (1144375056)	10	\$3,427	\$2,519	\$909
MIAMI JEWISH HEALTH SYSTEMS, INC. - (1821093451)	10	\$1,282	\$353	\$929
SALINE COUNTY MEDICAL CENTER - (1861576779)	9	\$6,679	\$6,184	\$495
SANFORD WESTBROOK HOSPITAL - (1942253547)	9	\$2,812	\$1,824	\$988
HANNIBAL REGIONAL INPATIENT REHABILITATION - (1033596234)	8	\$2,497	\$1,746	\$751
OSBORNE COUNTY MEMORIAL HOSPITAL - (1225156896)	8	\$574	\$411	\$162
MEDICAL CENTER INTERNAL MEDICINE AND PEDIATRICS - (1467525428)	8	\$4,018	\$3,352	\$666
ARKANSAS VALLEY REGIONAL MEDICAL CENTER - (1609034206)	8	\$86	\$80	\$6
METROSOUTH MEDICAL CENTER - (1043581044)	7	\$871	\$780	\$91
NANTICOKE MEMORIAL HOSPITAL - (1245214477)	7	\$3,702	\$2,964	\$738
JEROLD PHELPS COMMUNITY HOSPITAL - (1508192220)	7	\$1,860	\$1,239	\$621
WELLSTAR KENNESTONE HOSPITAL - (1649248626)	7	\$1,130	\$251	\$879

Reporting Period: Paid January 2020 to December 2020

Benchmark: Commercial

Provider Cost Aggregation

Population: Book of Business



Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
VICTOR VALLEY COMMUNITY HOSPITAL - (1952311953)	7	\$2,590	\$1,781	\$809
HOWARD UNIVERSITY HOSPITAL - (1538328968)	6	\$2,075	\$1,309	\$766
CLAIBORNE MEMORIAL MEDICAL CENTER - (1548364961)	6	\$2,297	\$1,104	\$1,193
ST MARY MEDICAL CENTER - (1780686931)	6	\$2,023	\$1,411	\$612
TAOS HEALTH SYSTEMS, INC., HOLY CROSS HOSPITAL - (1902338049)	6	\$972	\$387	\$585
06a69e998af6adf803fe093f4c427fea - (06a69e998af6adf803fe093f4c427fea)	5	\$4,679	\$4,264	\$415
TRINITY BETTENDORF - (1124110820)	5	\$445	\$121	\$323
CLARK FORK VALLEY HOSPITAL - (1265547939)	5	\$977	\$168	\$809
CLARINDA REGIONAL HEALTH CENTER - (1366486946)	5	\$2,494	\$2,166	\$329
SYLVAN GROVE HOSPITAL - (1386664779)	5	\$976	\$185	\$792
WISE HEALTH SURGICAL HOSPITAL - (1407229529)	5	\$1,959	\$923	\$1,036
BANNER GATEWAY MEDICAL CENTER - (1699884858)	5	\$2,229	\$1,875	\$353
MAURY REGIONAL SKILLED NURSING UNIT - (1700973039)	5	\$375	\$101	\$274
RIDEOUT MEMORIAL HOSPITAL - (1720088354)	5	\$2,568	\$1,754	\$814
SUTTER TRACY COMMUNITY HOSPITAL - (1770726861)	5	\$1,684	\$644	\$1,040
ADVOCATE CONDELL IMAGING CENTER - (1023262441)	4	\$3,234	\$2,245	\$990
MINIDOKA MEMORIAL HOSPITAL - (1134333495)	4	\$3,672	\$3,228	\$444
FAMILY PLANNING - (1184873366)	4	\$2,387	\$2,387	\$0
KAISER FOUNDATION HOSPITAL - SOUTH BAY - (1336294040)	4	\$7,063	\$6,616	\$446
TRINITY KENMARE HOSPITAL - (1366597650)	4	\$284	\$72	\$211
COMMUNITY HOSPITAL OF ANACONDA - (1407957111)	4	\$3,863	\$1,734	\$2,129
WUESTHOFF MEDICAL CENTER - ROCKLEDGE - (1619962917)	4	\$2,225	\$1,505	\$720
KONA COMMUNITY HOSPITAL - (1639252133)	4	\$330	\$330	\$0
SIERRA NEVADA MATERNAL HEALTH CENTER - (1720166705)	4	\$2,515	\$1,606	\$909
CLINTON HOSPITAL ASSOCIATION - (1790850071)	4	\$1,638	\$323	\$1,315
SOUTHERN MAINE HEALTH CARE - (1831112952)	4	\$4,407	\$2,775	\$1,632
THE GOOD SAMARITAN HOSPITAL - (1891874798)	4	\$4,135	\$3,054	\$1,081

Reporting Period: Paid January 2020 to December 2020

Benchmark: Commercial

Provider Cost Aggregation

Population: Book of Business



Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
THREE RIVERS HEALTH OCCUPATIONAL MEDICINE - (1992050173)	4	\$1,061	\$59	\$1,002
3bbd3597c260eb039811471e9ff9f198 - (3bbd3597c260eb039811471e9ff9f198)	4	\$2,010	\$1,610	\$400
b1e2cdbf37c9f19dbecdbe2353badf2f - (b1e2cdbf37c9f19dbecdbe2353badf2f)	4	\$2,905	\$2,391	\$515
ST. CHARLES - MADRAS - (1053509836)	3	\$577	\$62	\$515
10643ec3688e8dfc55616d2351cc2126 - (10643ec3688e8dfc55616d2351cc2126)	3	\$2,801	\$2,288	\$513
ANAHEIM MEMORIAL MEDICAL CENTER - (1104032564)	3	\$3,370	\$2,073	\$1,297
TEXAS INSTITUTE FOR SURGERY AT TEXAS HEALTH PRESBYTERIAN DALLAS - (1245201656)	3	\$1,373	\$667	\$706
CANDLER HOSPITAL INCORPORATED - (1275527889)	3	\$2,440	\$943	\$1,497
SOUTHERN HEALTH CORP OF HOUSTON,INC. - (1366465502)	3	\$11,548	\$9,908	\$1,641
LASTING HOPE RECOVERY CENTER - (1396969499)	3	\$2,960	\$2,438	\$522
T J SAMSON COMMUNITY HOSPITAL - (1407994866)	3	\$2,577	\$2,066	\$511
CHRISTUS SPOHN HOSPITAL CORPUS CHRISTI - (1467421727)	3	\$1,499	\$1,187	\$312
FLORIDA HOSPITAL ZEPHYRHILLS PHYSICIAN GROUP - (1639325046)	3	\$933	\$695	\$238
WEXNER MEDICAL CENTER AT OHIO STATE UNIVERSITY - (1639519838)	3	\$7,083	\$6,673	\$410
JEFFERSON DAVIS GENERAL HOSPITAL - (1649558388)	3	\$2,585	\$1,701	\$884
WALTER KNOX MEMORIAL HOSPITAL - (1700909983)	3	\$678	\$678	\$0
RED BUD NURSING HOME - (1710946801)	3	\$1,489	\$731	\$759
FAMILY MEDICAL CLINIC OF HANSFORD COUNTY - (1710974225)	3	\$1,584	\$685	\$898
MERCY HOSPITAL LEBANON - (1740413988)	3	\$2,221	\$1,529	\$692
MCLAREN CENTRAL MICHIGAN - (1770775348)	3	\$2,190	\$1,805	\$385
All Others	311	\$1,946	\$1,312	\$634
Total	2,295	\$2,424	\$1,647	\$778

Provider Cost Aggregation



Metric: Routine Office Visits

Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
HAMPTON, TOBY ANDREW - (1831192699)	315	\$119	\$114	\$5
BUETE, ERIC - (1740260819)	305	\$49	\$5	\$44
7933fea6ec43fc3fdc7e228bf6a2d36e - (7933fea6ec43fc3fdc7e228bf6a2d36e)	214	\$110	\$49	\$61
GOLBUS, STEVEN - (1003336835)	157	\$112	\$108	\$5
f6a87aec6c6d300a6534f08880582043 - (f6a87aec6c6d300a6534f08880582043)	151	\$85	\$13	\$72
SINDHAR, TANBIR K - (1306045406)	106	\$94	\$68	\$26
COOPER, MARCINA - (1558595744)	106	\$94	\$66	\$28
c9482904b366f2ae053c5d3af3f2cfd - (c9482904b366f2ae053c5d3af3f2cfd)	98	\$75	\$75	\$0
TRASAR, LOBSANG CHOEDON - (1821432360)	72	\$156	\$147	\$9
WILLIAMS-HOLLOWAY, LISA T - (1891090437)	71	\$157	\$138	\$19
CHANG, YUCHI C - (1083804439)	64	\$112	\$96	\$15
DAVID M. WEISS MD PC - (1386968840)	62	\$124	\$114	\$10
FRANGER, JOSEPH E - (1528069275)	59	\$110	\$63	\$47
0ad38382777c94b229494b65654123f5 - (0ad38382777c94b229494b65654123f5)	53	\$134	\$125	\$9
OTT, DARIN DALE - (1295805893)	52	\$52	\$43	\$9
WARNER, CATHERINE C. - (1801963616)	51	\$150	\$88	\$62
SEAGER, JON CHRISTIAN - (1841276367)	51	\$148	\$140	\$8
LAMBERT SMITH, FRANKI LENA - (1629205562)	49	\$112	\$97	\$15
DEFINA, LAURA FINK - (1720191026)	47	\$186	\$186	\$0
DUNCAN, ERIC WILLIAM - (1396190971)	46	\$105	\$87	\$18
ZOLICKER, SAMUEL MAX - (1437507399)	46	\$125	\$99	\$27
EBERHART, GREGORY - (1841278926)	45	\$89	\$62	\$27
GILBERT, RICHARD L - (1336230747)	43	\$65	\$55	\$10
WEIBLEY, EILENE K - (1740509215)	43	\$188	\$188	\$0
3126220f963b787770cf391b127b73bb - (3126220f963b787770cf391b127b73bb)	42	\$161	\$152	\$9
b4115954ae0d84b567dbde7bc51ec25c - (b4115954ae0d84b567dbde7bc51ec25c)	42	\$50	\$26	\$24

Reporting Period: Paid January 2020 to December 2020

Benchmark: Commercial

Provider Cost Aggregation

Population: Book of Business



Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
0b3634bd8ed6beb3111852f299a77496 - (0b3634bd8ed6beb3111852f299a77496)	41	\$146	\$146	\$0
HOUGHTON, ANDREW STEVEN - (1578821997)	41	\$159	\$159	\$0
LENCHUS, JOSHUA D - (1598791287)	41	\$114	\$107	\$7
eb025d70c6d8e86251bf02b759bd5a83 - (eb025d70c6d8e86251bf02b759bd5a83)	41	\$143	\$135	\$9
NGUYEN, TOAN T - (1174606024)	40	\$89	\$67	\$21
NORTHWEST ARKANSAS HOSPITALS LLC - (1255533444)	40	\$766	\$633	\$133
GULLEDGE, JERRY BABB - (1699818948)	40	\$87	\$65	\$21
STOCKINGER, JESSICA SOFIE - (1023632957)	39	\$211	\$36	\$174
KLELE, CHRISTO S - (1992708184)	39	\$80	\$53	\$27
VOKES, COLIN - (1124447016)	38	\$169	\$75	\$94
BLALOCK, JEANA ERA-ELLEN - (1730524414)	38	\$142	\$27	\$115
ALBERS, WILLIAM E - (1790768166)	38	\$191	\$144	\$47
ea308c94bfd250aec0fff822aa8911f1 - (ea308c94bfd250aec0fff822aa8911f1)	38	\$151	\$151	\$0
D. W. MCMILLAN MEMORIAL HOSPITAL - (1255776639)	37	\$228	\$172	\$56
SEYFZADEH, MANOUCHEHR - (1306895974)	37	\$117	\$66	\$51
KRISHNA KUMAR, GAYATHRI - (1790795441)	37	\$93	\$93	\$0
LOMBARDO, MICHAEL L - (1124016233)	36	\$184	\$167	\$16
STOLAKIS, RYAN STEPHEN - (1548751480)	35	\$212	\$212	\$0
49c305fb6021347b24367f3e1bcd19b9 - (49c305fb6021347b24367f3e1bcd19b9)	35	\$164	\$155	\$9
MEYERS, KEDERICK A - (1083759617)	34	\$125	\$95	\$29
WRIGHT, ROBERT CHASE - (1275544421)	34	\$115	\$98	\$16
ELK REGIONAL HEALTH CENTER, INC. - (1598761314)	34	\$20	\$14	\$6
GOLJAN, WALTER K - (1619942679)	34	\$209	\$207	\$2
895b2ea611d4f0d2a9a41797b0a78f0b - (895b2ea611d4f0d2a9a41797b0a78f0b)	34	\$164	\$156	\$7
0e6aa5d71db72105dc40c260835cec49 - (0e6aa5d71db72105dc40c260835cec49)	33	\$131	\$128	\$3
MANZELLA, JOHN R - (1225012891)	33	\$178	\$178	\$0
MOHAN, SEEMA - (1588604177)	33	\$167	\$167	\$0

Reporting Period: Paid January 2020 to December 2020

Benchmark: Commercial

Provider Cost Aggregation

Population: Book of Business



Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
DECHOSA, VIVIAN C. - (1689604654)	33	\$135	\$37	\$98
KANAAN, ANN C - (1972500510)	33	\$156	\$58	\$98
81434278470865bf4bcf576aa667883e - (81434278470865bf4bcf576aa667883e)	33	\$93	\$76	\$17
8f941008749c52e819a454153adba40f - (8f941008749c52e819a454153adba40f)	33	\$56	\$31	\$26
HICKS, WAYNE D - (1295782662)	32	\$69	\$26	\$43
SCHENKER, FLORENCE S - (1356361299)	32	\$149	\$133	\$16
5c6b32b917a29fd4b25e41addae47b03 - (5c6b32b917a29fd4b25e41addae47b03)	32	\$99	\$99	\$0
GILLETTE, PETER NARCISSE - (1003914250)	31	\$143	\$143	\$0
LOGAN, MELISSA SIMS - (1164403887)	31	\$74	\$42	\$32
PATEL, DIPEN - (1235576034)	31	\$65	\$43	\$23
SALVATORE, JOSEPH ENRICO - (1356401863)	31	\$84	\$60	\$24
WININGER, JON G - (1417915943)	31	\$174	\$75	\$99
GAW, JODIE LYNNE - (1891176830)	31	\$80	\$62	\$17
DES PLAINES DERMATOLOGY, LTD. - (1902127194)	31	\$67	\$31	\$36
cc33cf307d19f9a188b137daff87ca66 - (cc33cf307d19f9a188b137daff87ca66)	31	\$52	\$19	\$33
NGUYEN, VIET HUU - (1245406636)	30	\$134	\$58	\$76
KARIMPOUR, DARIUS JAMES - (1275620171)	30	\$102	\$87	\$15
HYDERI, ABBAS A - (1770696767)	30	\$192	\$188	\$4
BALABANIAN, MUGURDICH - (1831181544)	30	\$144	\$119	\$25
RASHID, NAILA - (1992124309)	30	\$148	\$148	\$0
4d46523fb60705c913f0fb75df6cbf80 - (4d46523fb60705c913f0fb75df6cbf80)	30	\$150	\$102	\$48
SHEA, PATRICK AARON - (1013905876)	29	\$158	\$91	\$68
JENNINGS, JAMES GREGORY - (1295838415)	29	\$158	\$158	\$0
ST. JOSEPHS HOSPITAL - (1306212923)	29	\$92	\$78	\$15
SUTTER TRACY COMMUNITY HOSPITAL - (1770726861)	29	\$885	\$740	\$145
SITKA COMMUNITY HOSPITAL - (1780085381)	29	\$200	\$129	\$71
BHALALA, MIBHALI M. - (1841362662)	29	\$154	\$51	\$103

Reporting Period: Paid January 2020 to December 2020

Benchmark: Commercial

Provider Cost Aggregation

Population: Book of Business



Primary Provider	Visits	Average Allowed	Average Plan Paid	Average Member Paid
FRASER, DAVID B - (1275733768)	28	\$124	\$124	\$0
NEWSOME, CARLTON MORRIS - (1396770046)	28	\$156	\$134	\$22
FORD, KELLY D - (1639116833)	28	\$153	\$73	\$80
SPRADLIN, TIMOTHY L - (1720082431)	28	\$142	\$50	\$92
VELASCO, CARLOS RICARDO - (1730111386)	28	\$92	\$66	\$26
CRESTOL, BRADLEY H. - (1861540692)	28	\$127	\$58	\$69
19206bccb735d9c18ef4a137ff8b691c - (19206bccb735d9c18ef4a137ff8b691c)	28	\$153	\$153	\$0
STAKE, SHARON L. - (1942271846)	28	\$102	\$80	\$22
283d1492e0be51e0feb41a21a1184118 - (283d1492e0be51e0feb41a21a1184118)	28	\$231	\$194	\$36
BEAN, MATTHEW C. - (1053675009)	27	\$135	\$33	\$102
MATSUNO, STANFORD KEI - (1174592976)	27	\$129	\$129	\$0
SALTER, BRIAN CHARLES - (1235274911)	27	\$273	\$194	\$80
VERMA, ASHU - (1548420011)	27	\$152	\$102	\$50
HILTS, MICHAEL J - (1568409522)	27	\$101	\$82	\$19
BAXTER, MARK DUNCAN - (1801888128)	27	\$48	\$0	\$48
311e7ea48f1270b3624df7b3bf11840 - (311e7ea48f1270b3624df7b3bf11840)	27	\$111	\$99	\$12
FRANCISCO J MIRANDA - (1225005960)	26	\$155	\$91	\$65
WILLIAMS, MICHAEL D - (1649366154)	26	\$0	\$0	\$0
CRAIG, CHRISTINE - (1679885909)	26	\$162	\$57	\$105
MCALOON, JASON - (1760005268)	26	\$104	\$60	\$44
All Others	33,366	\$150	\$95	\$55
Total	38,131	\$148	\$95	\$52

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Robert Miracle, CPA Deputy Town Manager, Finance and Administration
Kirk W. Blouin, Town Manager

From: Dean Mealy, II NIGP-CPP, CPPO, FCCM Town Procurement and Contract
Division Director

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach
County, approving retroactive purchase orders in the amount of \$212,812 for
the purchase of six vehicles for the Police Department.
168-2025

Date: 11/26/2025

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No, 168-2025, approving retroactive purchase orders in the amount of \$212,812 for the purchase of six vehicles for the Police Department.

SUMMARY EXPLANATION/BACKGROUND

The Police Department had an aging fleet of vehicles and had vehicles approved in the FY26 budget for replacement. Town Procurement utilized the Florida Sherriff Association (FSA) Contract to secure the best pricing. Each year, the State of Florida solicits bids to secure pricing on a variety of vehicles, including cars, trucks and heavy equipment. State pricing has historically provided the best value to governmental agencies. To expedite the delivery, Procurement worked alongside the Police Department to shop available cars on FSA dealer lots to facilitate faster turnaround time.

To expedite the delivery process, purchase orders were approved by the Town Manager to secure the vehicle orders. Because we processed the orders to expedite the process, retroactive approval is requested as the items were approved in the FY26 budget.

FUNDING/FISCAL IMPACT

The vehicles are being funded from the Equipment Replacement Fund.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community

Strategic Focus Areas:

Community Preservation

Quality of Life

FUNDING

Capital

RESOLUTION NO. 168-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, APPROVING RETROACTIVE PURCHASE ORDERS IN THE AMOUNT OF \$212,812 FOR THE PURCHASE OF SIX VEHICLES FOR THE POLICE DEPARTMENT.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 168-2025, approving retroactive purchase orders in the amount of \$212,812 for the purchase of six vehicles for the Police Department.

Section 2: The Town Manager or his designee is hereby authorized to purchase orders on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on 9th day of December 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Robert Miracle, CPA Deputy Town Manager, Finance and Administration
Kirk W. Blouin, Town Manager

From: Dean Mealy, II NIGP-CPP, CPPO, FCCM Town Procurement and Contract
Division Director

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach
County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc.
in amount of \$194,800, approving a contingency in the amount of \$29,220 and
approving a project budget in the amount of \$224,020 for Design Phase
Services, Permitting Services and Bid Phase Services for the E08 and E-21
Ejector Stations.
169-2025

Date: 11/26/2025

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 169-2025, approving a purchase order to Kimley-Horn and Associates, Inc. in amount of \$194,800, approving a contingency in the amount of \$29,220 and approving a project budget in the amount of \$224,020 for Design Phase Services, Permitting Services and Bid Phase Services for the E08 and E-21 Ejector Stations.

SUMMARY EXPLANATION/BACKGROUND

Public Works had Kimley-Horn do an ejector station evaluation report to determine the feasibility of converting some of the existing ejector wastewater stations to submersible pump stations. Currently, there is only one manufacturer that has parts for the ejector stations, so the Town is phasing the conversion of these stations and standardizing to submersible wastewater pump stations, like the award of construction for E-13 as a separate item. In the Kimley-Horn report, E-8 and E-21 had conceptual plans and feasibility for conversion. E-8 is located in the intersection of Island Road and Island Drive, while E-21 is located south of Southern Boulevard along A1A. Both are ejector stations needing upgrades and Kimley-Horn's proposal will provide design plans, specifications and permitting, as well as bid assistance.

FUNDING/FISCAL IMPACT

This project will be funded from the Capital Improvement Program.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Environmental Stewardship

Strategic Focus Areas:

Water Resources

FUNDING

Capital

RESOLUTION NO. 169-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC. IN AMOUNT OF \$194,800, APPROVING A CONTINGENCY IN THE AMOUNT OF \$29,220 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$224,020 FOR DESIGN PHASE SERVICES, PERMITTING SERVICES AND BID PHASE SERVICES FOR THE E08 AND E-21 EJECTOR STATIONS.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 169-2025, approving a purchase order to Kimley-Horn and Associates, Inc. in amount of \$194,800, approving a contingency in the amount of \$29,220 and approving a project budget in the amount of \$224,020 for Design Phase Services, Permitting Services and Bid Phase Services for the E08 and E-21 Ejector Stations.

Section 2: The Town Manager or his designee is hereby authorized to execute the purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on 9th day of December 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



November 20, 2025

Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *E-8 and E-21 Ejector Station Improvements*

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the improvements to the E-8 and E-21 Ejector Stations in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town is interested in converting E-8 and E-21 ejector stations to conventional lift stations with submersible pumps. The improvements are anticipated to require an FDEP permit and a Town of Palm Beach Building permit. Below are the improvements identified for each site.

E-8 Ejector Lift station

- Evaluate MOT options for construction
- Evaluate by-pass pumping alternatives for construction
- Demolish existing ejector station equipment
- Abandon existing ejector station structure by filling with flowable fill
- Construct a new wetwell (tremie style) southwest of the ejector station structure to allow accessibility and maintenance of traffic to construct the improvements
- Construct a new valve vault just north of the new wetwell
- Construct direct traffic bearing top slab and direct traffic H-20 rated hatches for the new wetwell and valve vault
- Construct new piping and valves within the new valve vault and wetwell and make connections to the existing forcemain east of the existing ejector station.
- Construct new electrical service, electrical control panel, and RTU

E-21 Ejector Lift station

- Evaluate by-pass pumping alternatives for construction
- Demolish existing ejector station equipment
- Demolish existing ejector station top slab
- Convert the ejector station structure to a wetwell by constructing fillets to form a sump, pumps, rails, base 90 fittings, and discharge piping at the bottom of the structure

- Construct a new valve vault just east of the ejector station structure
- Construct direct traffic bearing top slab and direct traffic H-20 rated hatches for the converted wetwell and valve vault
- Construct new piping and valves within the new valve vault and wetwell and make connections to the existing forcemain east of the existing ejector station.
- Construct new electrical service, electrical control panel, and RTU

Scope of Services

Task 1 – Geotechnical Engineering and Topographic Survey

The assigned subconsultant, WIRX Engineering, will prepare a subsurface investigation and geotechnical engineering for the new wetwell at E-8 Lift station. The following scope elements will be performed:

- One (1) SPT boring conducted near the wetwell location to a depth of 35 feet.
- Classify the collected soil samples in the field using Unified Soil Classification System
- Laboratory testing to determine grain size distribution of the subsoils.
- Perform a geotechnical analysis and prepare a geotechnical engineering report which will include the following:
 - o Overall site map showing soil boring location.
 - o Overall site and surface conditions
 - o Ground water level elevations
 - o Soil boring profiles showing soil identifications, depth, groundwater, and standard penetration “N values”, and soil description.
 - o Soil classification per USCS
 - o Results of soil laboratory testing
 - o Site Preparation recommendations
 - o Wetwell design recommendations

The assigned subconsultant, Avirom & Associates, Inc., will prepare a topographical survey at the E-8 and E-21 station locations. This will include location of above ground features, invert and pipe sizes of all structures, and topographic information. All trees 4” diameter or greater at breast height will be located. Spot elevations on points of location will be obtained on an approximate 25' grid with high and low points extending within the limits. Right of Way lines will be shown based on plat information, a boundary survey will not be performed. This information will be used as the base map to prepare the project plan sheets.

Task 2 – Design Phase Services

We will attend a kickoff meeting with the Town to discuss the project goals. We will visit the sites two times to support the design services. Kimley-Horn will perform design services to prepare construction plans and specifications for the lift station improvements suitable for construction and submittal for

permitting to Palm Beach County Health Dept. and the Town's Building Department. The plans are expected to contain the following information:

1. Cover Sheet
2. Overall Site Plan
3. E-8 Demolition Plan
4. E-8 Demolition Section
5. E-8 Proposed Plan
6. E-8 Wetwell and Valve Vault Sections and Details
7. E-8 Wetwell and Valve Vault Top Slab and Hatch Plan and Sections
8. E-21 Demolition Plan
9. E-21 Demolition Section
10. E-21 Proposed Plan
11. E-21 Wetwell and Valve Vault Sections and Details
12. E-21 Wetwell and Valve Vault Top Slab and Hatch Plan and Sections
13. General Construction Details Sheet 1
14. General Construction Details Sheet 2
15. Overall Electrical Site Plan
16. E-8 Electrical Demolition Plan
17. E-8 Electrical Equipment Plan
18. E-8 Oneline Diagram
19. E-8 I&C Diagram/Riser
20. E-8 Control Panel Schematics
21. E-21 Electrical Demolition Plan
22. E-21 Electrical Equipment Plan
23. E-21 Oneline Diagram
24. E-21 I&C Diagram/Riser
25. E-21 Control Panel Schematics
26. Technical Specifications

Electrical plans and specifications will be prepared by a subconsultant employed by Kimley-Horn. Kimley-Horn will prepare general civil, mechanical, and structural technical specifications. We will submit plans and specifications for review at 60% and 90% completion stages, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after each review. We will provide an opinion of probable construction cost at the 60% and 90% design stage and update this document with the final design submittal.

Task 3 – Permitting Services

Kimley-Horn will prepare and submit the appropriate Florida Department of Environmental Protection (FDEP) permit application with supporting documentation, reports, and computations for the Owner's signature and subsequent transmittal to the City of West Palm Beach and the Palm Beach County

Health Department. We will respond to one (1) reasonable request for additional information (RAI) from the Health Department. The two (2) \$500 application fees is included within this task.

Task 4 – Bid Phase Services

Kimley-Horn will attend the pre-bid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. We will also assist the Town with responding to questions received from prospective bidders, if required. We will provide up to five (5) signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required. We will provide an “Issued for Construction” set of construction documents incorporating permit comments and any revisions that occurred during the bid advertisement.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Off-site improvements
- Construction Phase Services

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site
- Available record drawings and data

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood these improvements are desired to be constructed in the summer of 2027.

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for these services:

Task 1 – <i>Geotechnical Engineering and Topographic Survey</i>	\$ 16,500
Task 2 – Design Phase Services	\$155,700
Task 2 – Permitting Services	\$ 12,100
Task 3 – Bid Phase Services	\$ 10,500
Total	\$194,800

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, dated October 1, 2024, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Jason Lee, P.E.
Vice President

Attachment

C:\Users\jason.lee\Desktop\Proposals to Review\PB\E-8 and E-21\E-8 and E-21 Ejector Station Improvements 20251106.docx

ESTIMATE FOR ENGINEERING SERVICE

PROJECT:	E-8 and E-21 Ejector Station Improvements										SHEET 1 of 1			
CLIENT:	Town of Palm Beach										FILE NO.			
ESTIMATOR:	JRL										DATE: 11/20/25			
											ALLOCA 0.0000			
DESCRIPTION: See Scope of Services			DIRECT LABOR (MAN-HOURS)											
			Principal Engineer	Chief Engineer	Sr. Eng Advisor	Sr. Prof. Eng	Reg. Prof	Engineer Intern	Analyst	Sr. Admin	Sr. Designer	SUB (IRX, Aviom, C&W)	EXP	LINE TOTAL
														\$0
Geotechnical Engineering and Topographic Survey														\$0
Geotechnical Subsurface Investigation at E-8				1.0				3.0		3.0		\$8,850.00		\$10,033
Topographic Survey at E-8 and E-21				2.0				3.0		3.0		\$3,100.00		\$4,643
Right of way Permit Coordination for Geotechnical Boring			1.0	1.0				6.0		1.0			\$54	\$1,824
														\$0
Design Phase Services														\$0
Kickoff Meeting				3.0				3.0						\$1,520
Site Visit (2)				8.0				12.0					\$35	\$4,677
Evaluate MOT options for construction at E-8			1.0	3.0				6.0						\$2,361
Evaluate by-pass pumping alternatives for construction at E-8 and E-21			1.0	6.0				12.0						\$4,323
Hydraulics Review/ Pump Selection (E-8 and E-21)			2.0	12.0				32.0						\$9,825
Pump Selection / Supplier Coordination			2.0	12.0				24.0		3.0				\$9,028
Wetwell and Hatch Selections / Supplier Coordination			1.0	8.0				24.0		2.0				\$7,064
Tremie Wetwell Design			1.0	8.0				16.0		2.0				\$5,886
E-8 and E-21 Top Slab Structural Design			1.0	8.0				24.0						\$6,810
Develop Construction Phasing Plan			2.0	8.0				16.0						\$6,031
Construction Plans														\$0
Cover Sheet								1.0						\$147
Overall Site Plan			1.0	3.0				8.0						\$2,656
E-8 Demolition Plan				6.0				8.0						\$3,334
E-8 Demolition Section				6.0				8.0						\$3,334
E-8 Site Plan			1.0	6.0				24.0						\$6,091
E-8 Wetwell Sections and Details			1.0	3.0				12.0						\$3,245
E-8 Wetwell and Valve Vault Top Slab and Hatch Plan and Details			1.0	3.0				12.0						\$3,245
E-21 Demolition Plan				6.0				8.0						\$3,334
E-21 Demolition Section				6.0				8.0						\$3,334
E-21 Site Plan			1.0	6.0				24.0						\$6,091
E-21 Wetwell Sections and Details			1.0	3.0				12.0						\$3,245
E-21 Wetwell and Valve Vault Top Slab and Hatch Plan and Detail			1.0	3.0				12.0						\$3,245
E-8 and E-21 Electrical Plan and Details			1.0	3.0				6.0				\$17,000.00		\$19,361
General Construction Details			1.0	6.0				12.0						\$4,323
Technical Specifications			1.0	16.0				32.0		8.0				\$11,881
OPC				16.0				32.0						\$10,462
60 and 90 review meetings and submittals			1.0	8.0				16.0		4.0				\$6,141
Respond to comments and produce final plans			1.0	4.0				16.0		4.0				\$4,703
														\$0
Permit Phase Services														\$0
Prepare Permit Application			1.0	2.0				4.0		1.0				\$1,835
Prepare Supporting Documentation			1.0	2.0				4.0		2.0			\$77	\$2,039
Permit Application Fee										2.0		\$1,000.00	\$1,000	\$2,255
Submit to City of WPB								2.0		2.0				\$549
Submit to PBCHD								2.0		2.0				\$549
Respond to Comments			1.0	3.0				6.0		1.0				\$2,489
Respond to TOPB Building Permit Comments				3.0				8.0		1.0				\$2,384
Bid Phase Services														\$0
Prepare Documents			1.0	2.0				8.0		2.0				\$2,552
Attend Pre-Bid Meeting, attend field visits, prepare minutes				2.0				4.0		2.0		\$1,000.00	\$2	\$2,564
Respond to Contractor RFIs			1.0	4.0				8.0		3.0				\$3,398
Review Bids and prepare summary memorandum				4.0				2.0		2.0				\$1,986
														\$0
														\$0
														\$0
TOTAL HOURS			29.0	206.0	0.0	0.0	0.0	480.0	0.0	50.0	0.0	\$30,950.00	1,166.88	\$194,800.00
LABOR (\$/HOUR)			399.74	359.26	293.48	232.76	185.97	147.32	135.03	127.39	249.56	1.00	1.0	
ALLOCATION			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTALS			11,592.46	74,007.56	0.00	0.00	0.00	70,713.60	0.00	6,369.50	0.00	\$30,950.00	1,166.88	\$194,800.00

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Robert Miracle, CPA Deputy Town Manager, Finance and Administration
Kirk W. Blouin, Town Manager

From: Dean Mealy, II NIGP-CPP, CPPO, FCCM Town Procurement and Contract
Division Director

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach
County, Florida, approving the award of ITB No. 2026-001, D-17 Stormwater
Pump Station and E-13 Wastewater Pump Station Rehabilitation to Hinterland
Group, Inc. in the amount of \$4,443,000, approving a contingency in the amount
of \$888,600 and approving a project budget in the amount of \$5,331,600
171-2025

Date: 11/26/2025

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 171-2025, approving the award of ITB No. 2026-001, D-17 Stormwater Pump Station and E-13 Wastewater Pump Station Rehabilitation to Hinterland Group, Inc. in the amount of \$4,443,000, approving a contingency in the amount of \$888,600 and approving a project budget in the amount of \$5,331,600.

SUMMARY EXPLANATION/BACKGROUND

The Town solicited bids under ITB No. 2026-001 for the D-17 Stormwater Pump Station and E-13 Wastewater Pump Station Rehabilitation Project and received two bids, one from Hinterland Group and one from Murray Logan Construction. The project includes resiliency upgrades to both stations and rehabilitation and some replacement of mechanical, structural, and electrical components of the D-17 stormwater pump station, partially funded by a Florida Department of Environmental Protection Resilient Florida Implementation grant. The E-13 wastewater pump station project includes conversion of the existing ejector station to a submersible wastewater pump station as the new Town standard type station. These stations are jointly located at the western end of Clarendon Avenue. Construction will begin in Spring 2026.

Bids were only solicited from the pre-qualified pool of vendors under RFQ No. 2022-06. There are four awarded vendors under this pool contract. Outreach was made to all four

contractors to participate.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours on Saturday, and night-time work hours as necessary, and as approved by Public Works. Staff also recommends a waiver to the Noise Ordinance for construction activities or those same Saturday and night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

Funding for this project will be from the Capital Improvement Program.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Environmental Stewardship

Strategic Focus Areas:

Water Resources

FUNDING

Capital

RESOLUTION NO. 171-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF ITB NO. 2026-001, D-17 STORMWATER PUMP STATION AND E-13 WASTEWATER PUMP STATION REHABILITATION TO HINTERLAND GROUP, INC. IN THE AMOUNT OF \$4,443,000, APPROVING A CONTINGENCY IN THE AMOUNT OF \$888,600 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$5,331,600

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 171-2025, approving the award of ITB No. 2026-001, D-17 Stormwater Pump Station and E-13 Wastewater Pump Station Rehabilitation to Hinterland Group, Inc. in the amount of \$4,443,000, approving a contingency in the amount of \$888,600 and approving a project budget in the amount of \$5,331,600.

Section 2: Town Council approves a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours on Saturday, and night-time work hours as necessary, and as approved by Public Works. Staff also recommends a waiver to the Noise Ordinance for construction activities or those same Saturday and night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

Section 3: The Town Manager or designee is hereby authorized to execute the contract and purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on 9th day of December 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Robert Miracle, CPA Deputy Town Manager, Finance and Administration
Kirk W. Blouin, Town Manager

From: Dean Mealy, II NIGP-CPP, CPPO, FCCM Town Procurement and Contract
Division Director

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach
County, Florida, approving a purchase order to Mock, Roos & Associates, Inc.
\$393,920, approving a contingency in the amount of \$59,088 and approving a
project budget in the amount of \$453,008 for Construction Phase Services for
D-17 and E-13 Wastewater Pump Station Rehabilitation Construction
173-2025

Date: 11/26/2025

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 173-2025, approving a purchase order to Mock, Roos & Associates, Inc. \$393,920, approving a contingency in the amount of \$59,088 and approving a project budget in the amount of \$453,008 for Construction Phase Services for D-17 and E-13 Wastewater Pump Station Rehabilitation Construction.

SUMMARY EXPLANATION/BACKGROUND

The Town recently received bids under ITB No. 2026-001 for the D-17 Stormwater Pump Station and E-13 Wastewater Pump Station Rehabilitation Project from Hinterland Group and Murray Logan Construction, with Hinterland Group identified as the apparent low bidder. Based on the construction schedule submitted by Hinterland, the anticipated construction duration is approximately 10 months, including about 6 months (26- weeks) of active on-site construction during the Town's season, with work expected to be completed by November 2026. The Town has requested that Mock•Roos provide professional Engineering During Construction services for the rehabilitation work to be performed by Hinterland Group on these two Town-owned pump stations. Mock Roos will observe construction, attend progress meetings, review requests for information, change orders and pay apps, and certify construction at the end of the project.

FUNDING/FISCAL IMPACT

This project will be funded by the Capital Improvement Program.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town on previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Environmental Stewardship

Strategic Focus Areas:

Water Resources

FUNDING

Capital

RESOLUTION NO. 173-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO MOCK, ROOS & ASSOCIATES, INC. \$393,920, APPROVING A CONTINGENCY IN THE AMOUNT OF \$59,088 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$453,008 FOR CONSTRUCTION PHASE SERVICES FOR D-17 AND E-13 WASTEWATER PUMP STATION REHABILITATION CONSTRUCTION

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 173-2025, approving a purchase order to Mock, Roos & Associates, Inc. \$393,920, approving a contingency in the amount of \$59,088 and approving a project budget in the amount of \$453,008 for Construction Phase Services for D-17 and E-13 Wastewater Pump Station Rehabilitation Construction.

Section 2: The Town Manager or his designee is hereby authorized to execute the purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on 9th day of December 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

**Proposal to Provide Professional Engineering During Construction Services for
Town of Palm Beach
D-17 Stormwater Pump Station and
E-13 Wastewater Pump Station Rehabilitation**

A. Project Description:

The Town recently received bids for the D-17 Stormwater Pump Station and E-13 Wastewater Pump Station Rehabilitation Project from Hinterland Group and Murray Logan Construction, with Hinterland Group identified as the apparent low bidder. Based on the construction schedule submitted by Hinterland, the anticipated construction duration is approximately 10 months, including about 6 months (26- weeks) of active on-site construction during the Town's season, with work expected to be completed by November 2026. The Town has requested that Mock•Roos provide professional Engineering During Construction services for the rehabilitation work to be performed by Hinterland Group on these two Town-owned pump stations. At the Town's request, Mock•Roos anticipates performing the following Scope of Services as outlined in **B. Scope of Services** below.

B. Scope of Services:

Task 1 – Engineering During Construction

1. Conduct a pre-construction meeting (in-person) with Town's Contractor, subcontractors, Town staff, and subconsultant staff. Prepare and distribute meeting minutes.
2. Conduct monthly progress meetings until the active onsite construction begins then conduct weekly construction progress meetings (virtual) with the Town and the Contractor. Prepare meeting agendas and minutes to summarize the items discussed. It is anticipated that there will be 30 construction progress meetings.
3. Review Construction Contractor's project construction schedule and review the Contractor's two-week look ahead schedule provided at bi-weekly for progress meetings. Any identified concerns regarding potential project delays, schedule "slippage", etc. will be communicated promptly to the Town and Contractor.
4. Receive, log, distribute, review and return construction Contractor's fabrication, shop drawings and engineering submittals. It is anticipated that submittals will be transmitted electronically only. Reviews will be conducted only for general conformance with the project's design concept and general compliance with the requirements identified in the Contract Documents. (Up to 50 submittals are anticipated). It is anticipated that the Town will conduct concurrent reviews, if desired, during the Mock•Roos' review period. Mock•Roos will endeavor to review and return submittals to the construction Contractor within 14 calendar days from receipt. Mock•Roos will provide electronic copy of the reviewed submittal with a standard submittal log (dates submitted, received, reviewed, returned along with a record of review comments, etc.) to the construction Contractor and Town.

5. Furnish a part-time Resident Project Representative (RPR) to assist Mock•Roos Engineer(s) in observing performance of the Work of the Contractor. The RPR will make visits to the site to observe the progress and the general conformance of the executed Work and to determine, in general, if the Work is proceeding in accordance with the Contract Documents. The RPR will be budgeted for up to 30 hours per week (Monday-Friday), includes travel time and preparation of field reports, for the 26 weeks of anticipated active construction Work. Prepare daily field observation Reports, including photographic documentation of the site. Provide the services of a professional engineer to perform periodic site observations of the day-to-day work activities for conformance with the Contract Documents during the active construction season.
6. Perform site visits (by Engineers) to review the construction progress. A total of 10 site visits, 4 hours per visit, including travel time, are included.
7. Review and respond to Contractor's Requests for Information (RFIs). Responses may include clarifications of design intent along with associated supporting materials. Mock•Roos will provide electronic responses along with a standard submittal log (dates submitted, received, reviewed, returned along with a record of review comments, etc.) to the Contractor and Town. Up to 4 RFIs are anticipated.
8. Review, recommend, and prepare minor field directive changes and/or contingency expenditures, as requested by the Contractor or the Town.
9. Review, recommend, and prepare Change Orders, as requested by the Contractor or the Town. Assistance will include a thorough review of the need for the change, review of the information provided, and development of appropriate paperwork using the AIA (or similar form) with detail of the materials, subcontract charges, labor, equipment and overhead. Up to 2 minor change orders are anticipated.
10. Review Contractor-submitted pay applications for completeness and provide recommendations for payment to the Town (up to 7 pay applications are included). Mock•Roos will review in-field installed quantities to review Construction Contractor's draft pay application and/or make a written recommendation to the Town to proceed with the payment as requested.
11. Attend one Substantial Completion walk-through with the Contractor, their subcontractors and the Town. Develop and distribute "punch list" of outstanding items needing to be completed, and/or corrected, prior to scheduling of a Final Completion walk-through. Prepare and distribute the Engineers Joint Contract Document Committee (EJCDC) "Substantial Completion Statement" formally notifying the construction Contractor and the Town and documenting the milestone completion date and associated punch list for the project achieving Substantial Completion in accordance with the Contract Documents.
12. Attend one Final Completion walk-through with the Contractor, their subcontractors and the Town. Develop and distribute final "punch list", if necessary, of outstanding items needing to be completed, and/or corrected, prior to issuing a recommendation of Final Payment.
13. Coordinate construction project closeout with the Contractor and Town. Review and distribute closeout package provided by the Contractor, including test data, densities, submittals,

applicable permit(s). Review Contractor's record drawing submittal to check for conformance with the Contract Documents and the design intent. Review Contractor's Operation and Maintenance (O&M) manuals and product warranties for installed equipment.

14. Coordinate operator training and equipment start-ups for installed equipment.
15. Provide periodic coordination with the Contractor, the Town, and Mock•Roos Staff during the construction duration.
16. Provide, manage, and coordinate the services of Structural and Electrical engineering subconsultants for their respective disciplines of work.

Additional Provisions:

- The Town is to prepare final paperwork for Construction Change Directives and Change Orders. Mock•Roos will assist Town obtain and review documents provided by the Contractor. At the Town's request, Mock•Roos will review and sign Change Orders as the Engineer of Record. The Town has the authority to approve or reject any recommendations.
- General Provisions. Mock•Roos shall have no responsibility and shall not at any time supervise, direct, control or have authority over any Contractor's work, nor shall Mock•Roos have authority over or be responsible for the means, methods, techniques, equipment choice and usage, sequences, schedule, or procedures of construction selected or used by any contractor, for safety precautions, practices or programs incident thereto, for security or safety at the Project site, nor for any failure of a Contractor to comply with laws and regulations applicable to that Contractor's furnishing and performing of its Work. Mock•Roos shall not be responsible for the acts or omissions of any Contractor.
- Standard of Care. The standard of care for all professional engineering and related services performed or furnished by Mock•Roos under these Contract Provisions will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Mock•Roos makes no warranties or guarantees, express or implied, under this Agreement or otherwise, in connection with any service performed or furnished by Mock•Roos. Mock•Roos and its subconsultants may use or rely upon the design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- The parties acknowledge that Mock•Roos' Services do not include any services related to unknown or undisclosed Constituents of Concern. If Mock•Roos or any other party encounters, uncovers, or reveals an unknown or undisclosed Constituent of Concern, then Mock•Roos may, at its option and without liability for consequential or any other damages, suspend performance of Services on the portion of the Project affected thereby until such portion of the Project is no longer affected, or terminate the Agreement for cause if it is not practical to continue providing Services.
- Mock•Roos is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Town agrees that each contract with any construction contractor shall state that the contractor shall be solely responsible for job

site safety and its means and methods; that the construction Contractor shall indemnify the Town and Mock•Roos for all claims and liability arising out of job site accidents; and that the Town and Mock•Roos shall be made additional insureds under the Contractor's general liability insurance policy.

- Grant coordination and reporting are not included and will be handled by others.

C. Fee and Rates:

The total fee to provide the Scope of Services outlined above is not to exceed **\$393,920.** Mock•Roos will complete the Scope of Services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses. See Attachment A for estimate of hours.

D. Acceptance and Authorization to Proceed:

This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed: _____

Name: Garry G. Gruber, P.E.

Title: Senior Vice President

Date: November 25, 2025

Town of Palm Beach
D-17 Stormwater Pump Station and E-13 Wastewater Pump Station Rehabilitation -ESDC
EXHIBIT A
Mock•Roos PA#C5041.00

Task Description	Labor Categories						
	Principal Director	Senior Project Manager	Professional Engineer	Project Engineer III	Project Coordinator	Subconsultant Fees	Total
Labor Hourly Billing Rate	\$275.00	\$245.00	\$175.00	\$160.00	\$85.00		
Task 1 – Conceptual Design							
1 Pre-construction meeting and minutes	2	8	8	2	2		\$ 4,400
2 Construction progress meetings and minutes	10	30	30	60	6		\$ 25,460
3 Review master and look-ahead schedules		6	12		6		\$ 4,080
4 Shop drawing and submittal reviews	8	24	50	108	30		\$ 36,660
5 Part-time RPR and field reports	12	26		780	50		\$ 138,720
6 Engineer site visits during construction	2	10	40		12		\$ 11,020
7 Respond to RFIs and log	4	4	8	16	8		\$ 6,720
8 Minor field directives and contingency	4	8	16				\$ 5,860
9 Change order review and preparation	2	8	8		8		\$ 4,590
10 Review contractor pay applications	2	6	14		8		\$ 5,150
11 Substantial Completion walk-through and certification	2	6	12	12	4		\$ 6,380
12 Final Completion walk-through and review	2	4	8		2		\$ 3,100
13 Review and coordinate closeout documents	4	12	12	24	4		\$ 10,320
14 Coordinate equipment startups and training	2	8	8	8	4		\$ 5,530
15 Ongoing construction coordination and communication	40	40			10		\$ 21,650
16 Manage and coordinate subconsultants	4	8			12		\$ 4,080
16a Structural Subconsultant (Kimley Horn)						\$ 79,288	\$ 79,288
16b Electrical Subconsultant (C&W Engineering)						\$ 19,000	\$ 19,000
<i>Subtotal</i>	\$ 27,500	\$ 50,960	\$ 39,550	\$ 161,600	\$ 14,110	\$ 98,288	\$ 392,008
						Expenses	\$ 1,912
(Hourly Not to Exceed) Project Total							\$ 393,920



Date: November 21, 2025

John Cairnes, P.E.
Mock, Roos, & Associates, Inc.
5720 Corporate Way
West Palm Beach, FL 33407

Re: Letter Agreement for Professional Services for
D-17 and E-13 Stormwater Pump Stations Rehabilitation – Structural Construction Phase
Services Agreement.

Dear John:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) submits this Letter Agreement (“Agreement”) to Mock, Roos, & Associates (“Client”) for providing construction phase services during the rehabilitation of the D-17 and E-13 Pump Stations (“Project”) in the Town of Palm Beach.

Project Understanding

The Client recently submitted bid documents for the D-17 & E-13 Stormwater Pump Station Rehabilitation to the Town of Palm Beach where Kimley-Horn completed the construction drawings and specifications for the structural elements of the improvements. It is understood that the Town will advertise this scope of work to construct the improvements. The Client has requested Kimley-Horn to provide construction phase services for the structural elements within the project.

Scope of Services

Kimley-Horn will provide the services specifically set forth below.

Task 1 – Structural Construction Phase Services

We will provide construction phase services for the project for the purpose of aiding the Client during construction. We believe this to be the level of services required to determine if the project is being constructed in general accordance with the plans and specifications. Our construction phase services and fees are based on the total project duration.

Pre-Construction Services. We will perform the following services prior to commencement of Work at the Site.

- We will attend a Pre-Construction Conference prior to commencement of Work at the Site.

Progress Meetings. Kimley-Horn will attend up to eight (8) virtual progress meetings at the Client's request during the anticipated project construction duration.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will visit the site at the clients request during the construction duration to observe the progress of the Work (up to 30 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect

of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

Visits to the Site are anticipated to review the below items:

- Seawall pile jacket surface preparation, rebar review, and form review (3 visits)
- Seawall spall and crack repairs (3 visits)
- Seawall removal review (1 visit)
- Outfall structure placement (1 visit)
- Outfall structure closure pour rebar and form review (2 visits)
- Seawall cap (new section) rebar inspection (1 visit)
- Wet well walls demolition review for existing reinforcement (1 visit)
- Wet well walls rebar review and concrete pours (5 visits)
- Wet well grating support installation (1 visit)
- Generator platform rebar reviews and concrete pours (4 visits)
- Generator platform installation (2 visits)
- E13 Top slab review (1 visit)
- Electrical panel pedestal rebar reviews and concrete pours (2 visits)
- Additional visits at Client request (3 visits)

The purpose of the site visits will be to better carry out the duties and responsibilities specifically assigned in this Agreement to Kimley-Horn, and to provide the Town a greater degree of confidence the completed Work will conform in general to the Contract Documents. Kimley-Horn shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall we have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Clarifications and Interpretations. Kimley-Horn will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the Town.

Change Orders. Kimley-Horn may recommend Change Orders to the Client and Town and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. It is anticipated that 14 submittals will be required for review. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

The shop drawings below are anticipated in construction:

- Concrete Mix Design
- Bill of Reinforcement for all concrete structures
- Repair materials
- Pile jacket shop drawings
- Metal fabrications
 - o Hatches and grating
 - o Handrailing
 - o Ladders
 - o Maintenance platforms
 - o Wet well grating supports
- E-13 Precast Shop Drawing
- Outfall structure precast shop drawing

Substitutes and "or-equal." Kimley-Horn will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

Substantial Completion. Kimley-Horn will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with the Client, Town, and Contractor, conduct a site visit to determine if the structural Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items except for those identified on a final punch list. If after considering any objections of the Client or Town, Kimley-Horn considers the Work substantially complete, Kimley-Horn will notify the Client. We anticipate completing the following items once the project is deemed substantially complete:

- We will review Record Drawings and Operation and Maintenance Manuals prepared by the selected contractor.

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn will also provide a notice that the Work is generally

in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. We will review and provide comments on the operation and maintenance manuals and project record drawings submitted by the contractor.

Limitation of Responsibilities. Kimley-Horn shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Kimley-Horn shall not have the authority or responsibility to stop the work of any Contractor.

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at Kimley-Horn's then-current hourly rates. Additional services Kimley-Horn can provide include, but are not limited to, the following:

- Review of Payment Applications.

Information Provided by Client

Kimley-Horn shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following:

- Coordination of meetings for the project
- Progress meeting minutes.

Schedule

Kimley-Horn will perform the services as expeditiously as practicable with the goal of meeting a mutually agreed upon schedule.

Fee and Expenses

Kimley-Horn will perform the services in the Scope of Services for the total lump sum fee of \$79,288. All permitting, application, and similar project fees will be paid directly by the Client.

Tasks

Task 1 – Structural Construction Phase Services	\$79,288
---	----------

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Kimley-Horn" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to Mock, Roos, & Associates.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in a PDF. We can also provide a paper copy via regular mail if requested. Please include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

_____ Please email all invoices to _____

_____ Please copy _____

To ensure proper set up of your projects so that we can get started, please complete and return with the signed copy of this Agreement the attached Request for Information. Failure to supply this information could result in delay in starting work on this project.

We appreciate the opportunity to provide these services. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Signed: 

Printed Name: Jerry Piccolo

Mock, Roos, & Associates, Inc.

SIGNED: _____

PRINTED NAME: _____

TITLE: _____

DATE: _____

Client's Federal Tax ID: _____

Client's Business License No.: _____

Client's Street Address: _____

Attachment – Request for Information

Attachment – Standard Provisions

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	D-17 & E-13 Pump Station Rehabilitation - Structural Construction Phase Services						SHEET 1 of 1					
CLIENT:	Mock-Roos & Associates, Inc.						FILE NO.					
ESTIMATOR:	CGD						DATE: 11/21/25					
							ALLOCA 0.0000					
DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	Principal Engineer	Chief Engineer	Senior Engineer	Senior Prof. Eng.	Reg. Prof. Engineer	Eng. Int.	Technician	Admin/Clerical	Senior Designer	SUB	EXP	LINE TOTAL
TASK 1 - Structural Construction Phase Services												\$79,288
Pre-Construction Meeting			6.0		6.0							\$2,375
Progress Meetings			8.0		8.0							\$3,167
Site Visits (30 visits at 3hrs Ea)			32.0		120.0							\$27,171
Clarifications/Recommendations/ Substitutes Correspondence		4.0	8.0		20.0							\$6,319
Shop Drawing Review												
Concrete Mix Design			2.0		4.0							\$1,121
Bill of Reinforcement			6.0		30.0							\$6,331
Repair materials			2.0		4.0							\$1,121
Grating			3.0		4.0							\$1,352
Pile Jacket Submittal			3.0		6.0							\$1,682
Filter Fabric, Stone, Grout Sock			3.0		4.0							\$1,352
Steel Support Beam			3.0		4.0							\$1,352
Wet Well Ladder			3.0		4.0							\$1,352
Maintanance Platform			8.0		24.0							\$5,804
Maintanance Platform Handrail			8.0		24.0							\$5,804
Maintanance Platform Ladder			3.0		6.0							\$1,682
Access Hatches (x3)			3.0		8.0							\$2,012
Substantial Completion & Punchlist Site Visit			6.0		6.0							\$2,375
Final Completion Site Visit			6.0		6.0							\$2,375
Review Record Drawings		4.0	6.0		12.0							\$4,538
TOTAL HOURS	0.0	8.0	119.0	0.0	300.0	0.0	0.0	0.0	0.0	0	\$0.00	427
LABOR (\$/HOUR)	\$307.28	\$293.55	\$231.09	\$200.85	\$164.80	\$131.84	\$149.71	\$92.80	\$162.15	1.00	1.0	
ALLOCATION	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	
TOTALS	\$0	\$2,348	\$27,500	\$0	\$49,440	\$0	\$0	\$0	\$0	\$0	\$0	\$79,288

C & W engineering Inc.

Consulting Engineers – Electrical • HVAC • Plumbing

6903 Vista Parkway North, #10
West Palm Beach, FL 33411
(561) 642-5333

November 21, 2025

John Cairnes, P.E.
Mock Roos and Associates
5720 Corporate Way
West Palm Beach FL 33407

Subject: Town of Palm Beach Storm Water Pump Stations D-17 and Lift Station E-13
Electrical Construction Services Proposal
C&W Ref. 246803.CS

Dear John:

I am pleased to submit this proposal for your consideration to provide Electrical Engineering Services during construction for the Town of Palm Beach storm water Project to pump station D-17, along with lift station D-13. The proposal is based on the following tasks:

1. Attend a Pre-construction meeting for both, the Storm Water Pump Station D-17 and Lift Station E-13, and respond to questions.
2. Review shop drawings, and provide comments as required.
3. Respond to Contractor RFIs, we anticipated three for D-17 and two for E-13.
4. Provide field progress visits during construction, and assess installation progress, address construction issues, provide a report email. We anticipate to provide two visits to cover different phases of pump station D-17, and one visit to cover D-13 progress during construction.
5. We will attend up to three progress meetings, either on site or virtually; the meetings where we our participation is needed would be determined based on staff and Mock Roos needs for C&W Engineering to be present.
6. Provide a Startup and testing inspection and provide a punch list, this is in addition to the visits during construction. We anticipate that there may be two startups, as the storm water pump station may be completed under a different schedule than the lift station, so we will account to attend up to two startup visits.

7. We will provide a review of the O&M manuals and confirm spare parts towards the end of the project.
8. Provide as-built drawings based on Contractor provided redlines to each station.

CONSTRUCTION SERVICES

Coordination with Mock Roos and Associates, Owner, and Contractor.

Attend a pre-construction meeting, respond to questions.

Participate in three (3) Progress Field Meetings during construction Review and approve shop drawings.

Provide up to three field visits and provide reports on progress and issues found.

Prepare response to Contractor RFI requests.

Attend a startup and testing field visit and provide a preliminary punch list; accounting for two startups.

Provide review of O&M manuals and confirm spare parts.

Provide as-built drawings based on redlines form the Contractor.

Perform final walk through site and confirm punch list items.

CONSTRUCTION SERVICES FEE:

Storm Water Pump Station D-17

\$11,000 lump sum.

Lift Station D-13

\$ 8,000 lump sum.

I trust the scope and fee are in agreement with your needs and expectations. Please contact me with questions or comments. Thanks for this opportunity.

Very truly yours,

C&W Engineering Inc.



Michael Guida, PE

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk Blouin, Town Manager

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

Re: Request to Hear Proposed Ordinance No. 033-2025, prior to 5:00 p.m. on the Wednesday, December 10, 2025, Town Council Development Review Meeting agenda.

Date: 11/20/2025

STAFF RECOMMENDATION

Staff recommends that the Town Council, acting as the Local Planning Agency, conduct the public hearing on Ordinance No. 033-2025 at the Town Council meeting before 5:00 p.m. The ordinance will be heard at first reading on December 10, 2025, with a possible adoption hearing on January 14, 2025.

GENERAL INFORMATION

Pursuant to Chapter 166.041, F.S., the local governing body is required to hold two (2) advertised public hearings on a proposed ordinance. At least one hearing is held after 5:00 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least seven (7) days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least five (5) days prior to the public hearing.

TOWN ATTORNEY REVIEW

The subject code amendments have been reviewed and approved for legal form and sufficiency.

ATTACHMENT

Business Impact Statement

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Cooperative Relationships

FUNDING

No Fiscal Impact



THE TOWN OF PALM BEACH Business Impact Estimate

TITLE OF ORDINANCES:

ORDINANCE NO. 033-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING BY AMENDING ARTICLE VIII, 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

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 make the zoning regulations easier to understand and to simplify the zoning process.
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, thereby impacting any business that is renovated or constructed.
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.

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: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Acceptance of Department of Homeland Security Grant Funds

Date: 11/19/2025

GENERAL INFORMATION

The Palm Beach Police Department has been awarded \$302,500 in federal grant funding from the Department of Homeland Security (DHS) under the 287(g) program. This funding includes:

- \$202,500 in equipment grant funding for 27 credentialed 287(g) officers (at \$7,500 per officer), and
- A one-time \$100,000 grant to support the purchase of law enforcement vehicles.

These funds are intended to enhance the department's operational capacity to carry out immigration enforcement activities under the 287(g) program. The equipment and vehicle grants will be used to procure necessary tools, technology, and transportation assets that directly support the mission of federally authorized immigration enforcement at the local level.

The 287(g) program authorizes designated local law enforcement officers to perform certain immigration enforcement functions under U.S. Immigration and Customs Enforcement (ICE). The grant program also includes monthly reimbursement for officer time and benefits associated with 287(g) enforcement activities.

Palm Beach 287(g) officers will exercise their federal authority as a tool during proactive patrols within the Town of Palm Beach, with the goal of enhancing public safety and keeping the community safe. While the department does not participate in any federal task force conducting immigration raids, the federal enforcement authority granted Palm Beach 287 (g) officers by the Department of Homeland Security is limited to immigration-related actions during lawful encounters within the jurisdiction of the Town of Palm Beach.

STAFF RECOMMENDATION

Staff recommends that the Town Council formally accept the \$302,500 in federal grant funding from the Department of Homeland Security. Acceptance of these funds will support the Town's operational readiness and ensure that officers have the equipment and vehicles necessary to carry out their duties under the 287(g) program.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed the funding agreement and associated program requirements and approved the matter for legal form and sufficiency.

NC/dw

cc: Carolyn Stone, Deputy Town Manager
Robert Miracle, Deputy Town Manager
O'Connor, Joanne, Town Attorney

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

FUNDING

Funded

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Acceptance of Florida Department of Law Enforcement (FDLE) Grant Funds

Date: 11/24/2025

GENERAL INFORMATION

The Palm Beach Police Department has been awarded a total of \$35,000 in grant funding from the Florida Department of Law Enforcement (FDLE) to support two distinct public safety initiatives:

- **287(g) Officer Stipends – \$25,000**

This funding is designated for stipend payments to credentialed 287(g) officers who conduct immigration-related arrests. Under the grant terms, each officer who makes an immigration-related arrest is eligible for a one-time \$1,000 stipend. These funds recognize the additional responsibilities undertaken by officers operating under the authority of the 287(g) program, which allows designated local law enforcement officers to perform certain immigration enforcement functions under U.S. Immigration and Customs Enforcement (ICE). Palm Beach 287(g) officers will exercise their federal authority as a tool during proactive patrols within the Town of Palm Beach, with the goal of enhancing public safety and keeping the community safe. They are not assigned to any federal task force conducting immigration raids, and the federal enforcement authority granted to them by the Department of Homeland Security is limited to immigration-related actions during lawful encounters within the jurisdiction of the Town of Palm Beach.

- **Overtime Reimbursement for Fraud Related Investigations – \$10,000**

This grant provides funding to offset overtime costs incurred during the investigation of fraud-related crimes. It enables the department to allocate additional resources to complex fraud cases, thereby enhancing our ability to investigate, resolve, and prevent financial crimes that impact residents and businesses.

These FDLE grants will directly support the department's operational readiness and capacity to address both immigration-related and financial crime enforcement priorities.

STAFF RECOMMENDATION

Staff recommends that the Town Council formally accept the \$35,000 in FDLE grant funding. Acceptance of these funds will support the department's efforts to enhance public safety and investigative initiatives.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed the funding agreements and associated program requirements and approved the matter for legal form and sufficiency.

NC/dw

cc: Carolyn Stone, Assistant Town Manager
Robert Miracle, Assistant Town Manager
Joanne O'Conner, Town Attorney

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

FUNDING

Funded

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Authorization for 214 Brazilian Ave – Use of Right-of-Way During Season

Date: 11/25/2025

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the continual use of the sidewalks on South County Road and Brazilian Ave and for the continued use of the parking lane along Brazilian Avenue and permit staff to issue ROW Permits for this location during season.

GENERAL INFORMATION

To facilitate an emergency roof repair, right-of-way permits for the installation of scaffolding placed over the sidewalks to protect residents from the work above have been issued. Additionally, right-of-way permits were issued for the use of the parking lane along Brazilian Avenue for the removal and delivery of roof materials.

The applicant has filed the necessary building permits and Landmark approvals for the work being performed. The intention is to match “Like Kind Replacement” the existing materials being removed. All “dry-in work” will be completed by the 19th of December.

Attached please find photographs of the active work site, a letter from the Contractor, supporting information and the Maintenance of Traffic plan for the use of the rights-of-way.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachment

cc: Jason Debrincat, P.E., Assistant Director

Patricia Strayer, P.E., Town Engineer
Nicholas Caristo, Police Chief
Darrel Donnatto, Fire Chief
Wayne Bergman, MCP, LEED-AP Director of Planning, Zoning & Building
Ben Alma, Code Enforcement Unit

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

FUNDING

No Fiscal Impact

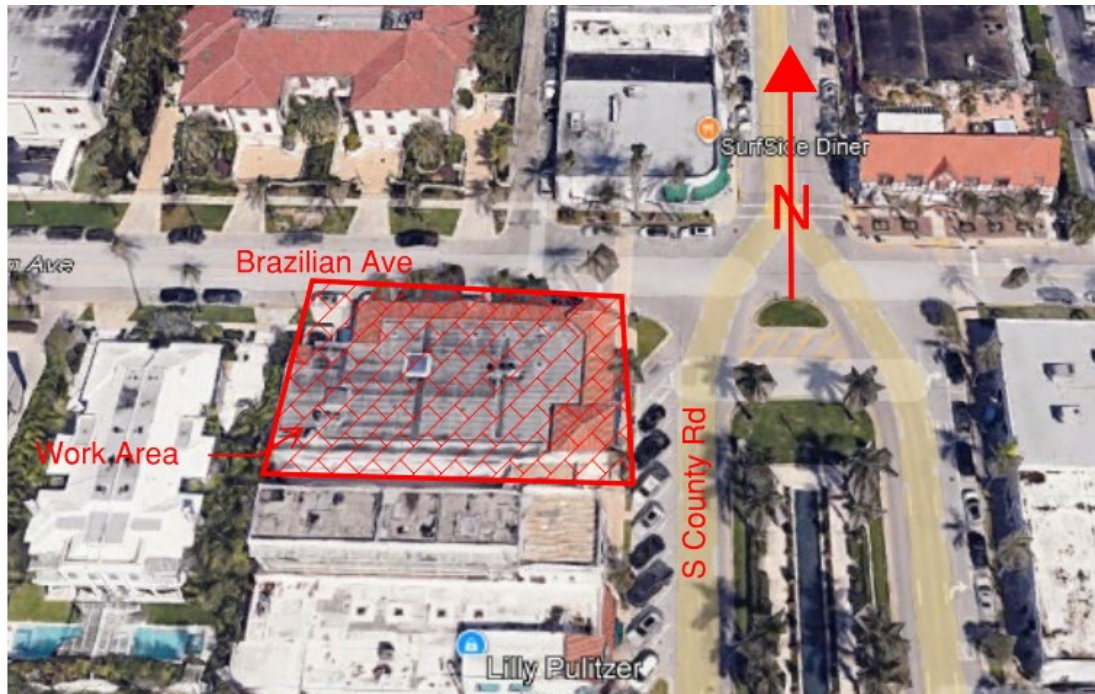


Figure.7._Project.location.map.for.870.Brazilian.Avenue.



Figure.8.-.Looking.east.up.Brazilian.Avenue.77-80-8680.



Figure.9.- Looking east up Brazilian Avenue. 77-80-868



Figure.0.- Looking south from across Brazilian Avenue at the northwest corner of the 870 Brazilian Avenue Building;



Figure 1- Looking northwest up South County Road at east face of the 870 Brazilian Avenue Building;



Figure 2- Looking north up the sidewalk of South County Road at the scaffolding protecting pedestrians in front of 870 Brazilian Avenue Building;

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Authorization for 304 S County Rd – Use of Right-of-Way During Season

Date: 11/25/2025

STAFF RECOMMENDATION

Town staff recommends that Town Council approve 304 South County Road to repave the alleyway off of Brazilian Avenue and permit staff to issue ROW Permits for this location during season.

GENERAL INFORMATION

The alleyway behind 304 South County Road was sighted by Code Enforcement to be in disrepair in 2022. While undergrounding was occurring in the area, it was asked that the Code Case be deferred. Asphalt patches and steel plates were temporarily installed by the owner to address concerns.

Undergrounding in the area has been completed. The applicant is requesting permission to mill and resurface the alleyway. Typically, this type of operation is not permitted during season due to the equipment used and the potential impacts to the right-of-way. Town Staff is asking for permission to allow for the work to be coordinated with those that use the alleyway and proceed. Town Building and Right-of-way Permits will be updated to perform the work. The work should take 1 to 2 business days.

Attached as back up are current photographs of the alleyway.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachment

cc: Jason Debrincat, P.E., Assistant Director
Patricia Strayer, P.E., Town Engineer

Nicholas Caristo, Police Chief
Darrel Donnatto, Fire Chief
Wayne Bergman, MCP, LEED-AP Director of Planning, Zoning & Building
Ben Alma, Code Enforcement Unit

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

FUNDING

No Fiscal Impact



Figure.7-Project.location.map.for.the.alleyway.of.960.South.County.Road;



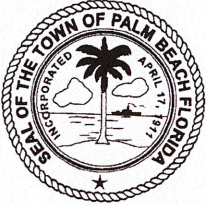
Figure.8.-.Looking.north.up.the.alleyway.from.Brazilian.Avenue.77-80-8680.



Figure.9.- Looking.South.down.the.alleyway.from.the.parking.area.of.960.South.County.Road.77-70-868



Figure.0.- Looking.south.down.the.alleyway.from.the.midpoint.77-80-868



TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



August 4, 2022

Thomas Campaniello
225 E 57th Street
New York, NY 10022

Thomas Campaniello
304 S. County Road
Palm Beach, FL 33480

RECEIVED

DEC 13 2022

**TOWN OF PALM BEACH
PZB DEPARTMENT**

Back in

NOTICE OF CODE VIOLATION AND HEARING **304 S County Road, Palm Beach**

Case # CE 22-1046

**Property Control Number: 50-43-43-23-05-025-0071 &
Property Control Number: 50-43-43-23-05-025-0061**

Dear Property Owner(s),

A recent reinspection of your property found a lot and alley on the west side of the business/stores to have potholes and be in disrepair.

Chapter 88, Section 88-16(c) of the Town of Palm Beach Code of Ordinances states sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

Please repair the lot and alleyway to a state of safe and good repair by **August 19 2022**.

Should compliance with the Town Ordinances not be met within this time frame, you are hereby notified there will be a public hearing before the Code Enforcement Board on **September 15, 2022, at 2:00 p.m. in the second floor Town Council Chambers at City Hall, 360 S. County Road, Palm Beach.**

If you decide not to be present, the hearing will be held in your absence. If you are found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines up to Two Hundred Fifty (\$250.00) Dollars a day against you and your property for every day any violation continues beyond the date set in the order for compliance. An administrative fee of One Hundred Fifty (\$150.00) Dollars for the cost of the hearing may be assessed to you should your case be heard.

Thomas Campaniello
August 4, 2022
Page 2

If you have any questions, please do not hesitate to call me at (561) 227-6422. Your immediate attention to this matter is appreciated.

Sincerely,

John T. Moriarty
Code Enforcement Officer

cc: Code Enforcement File
Property File

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Authorization for 363 Cocoanut Row – Use of Right-of-Way During Season

Date: 11/25/2025

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the continual use of Cocoanut Row and Australian Ave rights-of-way and permit staff to issue ROW Permits during season.

GENERAL INFORMATION

The owners of 363 Cocoanut Row, Vineta Hotel, are requesting to utilize the Cocoanut Row and Australian Avenue rights-of-way during season to complete the renovations. Cocoanut Row will remain open to two-way traffic. The travel lane on Australian Ave, a one-way street, is adequate for all emergency vehicles. The use of the rights-of-way is limited to the sidewalk and parking lane areas. Pedestrian traffic has been rerouted with appropriate signage around the work site.

Construction Screening has been removed. Construction activities are scheduled to be completed by the 19th of December 2025.

Attached please find photographs of the respective roadways.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachment

cc: Jason Debrincat, P.E., Assistant Director
Patricia Strayer, P.E., Town Engineer
Nicholas Caristo, Police Chief
Darrel Donnatto, Fire Chief
Wayne Bergman, MCP, LEED-AP Director of Planning, Zoning & Building

Ben Alma, Code Enforcement Unit

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

FUNDING

No Fiscal Impact



Figure 1 - Looking southeast down Coconut Row on November 21, 2025 from the intersection of Australian Avenue.



Figure 2 - Looking eastward up Australian Avenue from the intersection of Coconut Row, November 21, 2025.

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Authorization for 360 S Ocean Blvd – Use of Right-of-Way During Season

Date: 11/25/2025

STAFF RECOMMENDATION

Town staff recommends denial of a right-of-way permit for 360 South Ocean Boulevard to open cut Chilean Avenue for the installation of a gas line to service a new generator during season.

GENERAL INFORMATION

Gas System Technology, Inc. applied for a Town right-of-way permit, ROW-25-05182, on September 26, 2025. The permit was for a directional bore under Chilean Avenue. The Contractor coordinated setting up the boring machine on 400 South Ocean Boulevard and boring to 360 South Ocean Boulevard. This permit was issued on September 30, 2025, with the work scheduled between the 17th and 30th of October 2025.

A communication breakdown occurred, and it was not clearly conveyed to Town Staff that the directional bore was deemed too deep by the contractor and no longer practical. A site meeting was held on November 18, 2025, to discuss the work. As a result of the site meeting the applicant filed a new permit for review. Attached please find a copy of the new plans and Maintenance of Traffic plan filed by the contractor under ROW-25-05774 requesting permission to excavate the right-of-way from 12/15 to 12/19 for the proposed work.

At that time of the meeting, it was noticed that a Building Permit for the installation of the new generator had not been obtained as there were no specifications available. Permit information was promptly uploaded that same day by the contractor; however, a complete application has not been submitted as of November 25, 2025 for review.

Attached please find the latest correspondence regarding Permit GENR-25-00081 for 360 S Ocean Blvd.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachment

cc: Jason Debrincat, P.E., Assistant Director
Patricia Strayer, P.E., Town Engineer
Nicholas Caristo, Police Chief
Darrel Donnatto, Fire Chief
Wayne Bergman, MCP, LEED-AP Director of Planning, Zoning & Building
Ben Alma, Code Enforcement Unit

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

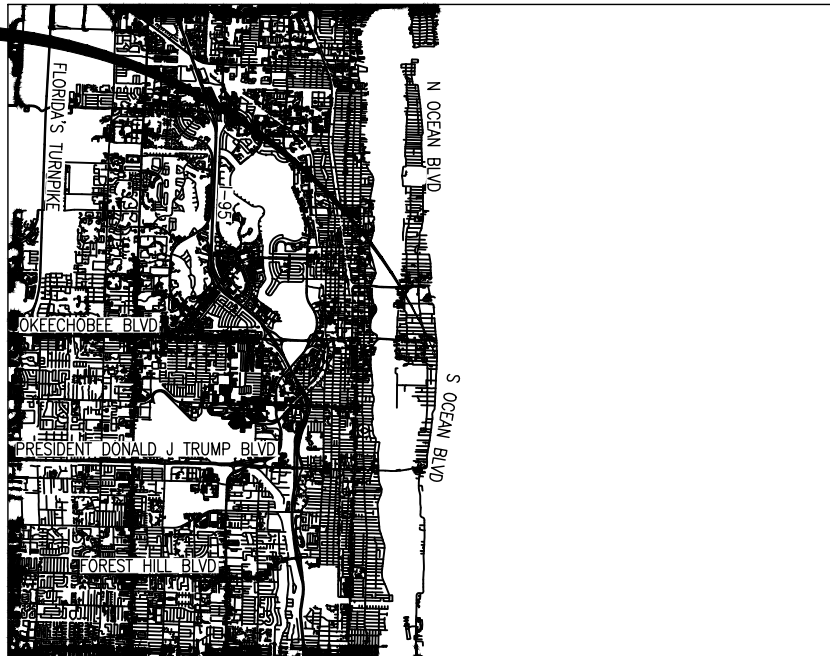
FUNDING

No Fiscal Impact

FLORIDA PUBLIC UTILITIES COMPANY GAS SERVICE LINE REPLACEMENT 360 S OCEAN BLVD PALM BEACH, FL 33480 PALM BEACH COUNTY, FL

11/19/2025

PROJECT LOCATION:
360 S OCEAN BLVD,
PALM BEACH, FL
PALM BEACH COUNTY
LAT: 26°42'9.34"N
LONG: 80° 2'1.29"W



INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION	REVISION
G-001	COVER SHEET	
G-002	PROJECT NOTES	
CU-101	GAS S/L REPLACEMENT PLAN AND PROFILE	
CI-101	SOD RESTORATION DETAIL	
CI-102	ASPHALT RESTORATION DETAIL	

SIZE ANSI A (8.5X11)		CONTROL NO. 25-1991
SCALE AS SHOWN	DRAWN CARLQUINT	DATE 09.15.2025
REVISION NUMBER AND DESCRIPTION		DATE
1	REVISED CALLOUTS	11.19.25
1	REVISED PROFILE	11.19.25
1	REVISED BORE PIT	11.19.25

FLORIDA PUBLIC UTILITIES COMPANY
1635 MEATHE DR, WEST PALM BEACH, FL 33441



R.J. RUIZ & ASSOCIATES, INC.
800-559-RUIZ
WWW.RUIZUSA.COM

GAS SERVICE LINE REPLACEMENT
360 S OCEAN DR
PALM BEACH, FL 33480
COVER SHEET
PALM BEACH COUNTY, FL



SHEET. NO.
G-001



GENERAL NOTES

- DRAWINGS ARE GENERALLY DIAGRAMMATIC IN NATURE, NOT ALL COMPONENTS ARE DETAILS ARE SHOWN IN ALL VIEWS. CONTRACTOR SHALL MAKE USE OF THE ENTIRE SET OF DRAWINGS IN ORDER TO INCLUDE ALL COMPONENTS NECESSARY TO CONSTRUCT A FULLY OPERATIONAL SYSTEM.
- THE CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY SHOULD ANY FIELD CONDITIONS BE ENCOUNTERED THAT VARY FROM THE INFORMATION SHOWN IN THIS DRAWING PACKAGE.
- MANY UNDERGROUND UTILITIES EXIST WITHIN THE PROJECT AREA THAT ARE NOT SHOWN IN THE PLANS. THOSE UNDERGROUND UTILITIES THAT ARE SHOWN WITHIN THE DRAWING PACKAGE SHOULD BE CONSIDERED APPROXIMATE ONLY. THE ENGINEER CANNOT CERTIFY THE EXISTENCE OR NON-EXISTENCE, NOR THE LOCATIONAL ACCURACY, OF ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THE PLANS. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXACT HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES AND NOTIFY THE ENGINEER IF A CONFLICT EXISTS, PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT 811 AT LEAST THREE (3) DAYS PRIOR TO CONSTRUCTION. WORK SHALL NOT COMMENCE UNTIL UTILITY POSITIVE RESPONSES ARE OBTAINED FROM ALL UTILITY OWNER/AGENCIES THAT WERE IDENTIFIED ON THE ONE CALL TICKET. CONTRACTOR ADHERE TO ALL REQUIREMENTS SET FORTH WITHIN CHAPTER 556 OF THE FLORIDA STATUTES.
- ALL EXISTING SURFACES DISTURBED BY CONSTRUCTION ACTIVITY INCLUDING (BUT NOT LIMITED TO) ASPHALT PAVEMENT, CONCRETE, PAVERS, AND SODDING, SHALL BE RESTORED TO MEET OR EXCEED EXISTING CONDITIONS OR TO THE SATISFACTION OF THE AUTHORITY HAVING JURISDICTION, THE PROPERTY OWNER, AND OR THE ENGINEER.

GAS DISTRIBUTION NOTES

- ALL WORK PROPOSED WITHIN THIS PROJECT IS GOVERNED UNDER THE JURISDICTION OF PART 192 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND UNDER THE STATE OF FLORIDA ADMINISTRATIVE CODE CHAPTER 25-12.
- ALL EXISTING FACILITIES CURRENTLY OPERATE ON A 60 PSIG MAXIMUM ALLOWABLE OPERATING PRESSURE (MAOP) SYSTEM. ALL PROPOSED PIPING, FITTINGS AND FACILITIES WERE DESIGNED TO OPERATE AT AN MAOP OF 60 PSIG. THE CONTRACTOR SHALL PRESSURE TEST ALL NEW FACILITIES TO ESTABLISH AN MAOP OF 60 PSIG, IN ACCORDANCE WITH THE LATEST VERSION PART 192 OF TITLE 49 OF THE CFR, AND CHAPTER 25-12 OF THE FAC. TEST MEDIUM TO BE USED CAN BE COMPRESSED AIR, AND CONTRACTOR MUST PROVIDE CIRCULAR TEST CHARTS FOR APPROVAL BEFORE PLACING ANY SEGMENT OF NEW PIPE IN-SERVICE.
- ALL LABORERS PERFORMING ANY "COVERED TASKS" ON THIS PROJECT SHALL BE OPERATOR QUALIFIED IN ACCORDANCE WITH FPUC'S WRITTEN OQ PLAN.
- WHEN APPLICABLE ALL WELDERS SHALL BE QUALIFIED PER API 1104, AND TO FPUC WELDING PROCEDURE FOR NEW CONSTRUCTION BUTT, FILLET AND IN-SERVICE WELDING, PIPE WELDING SHALL BE IN ACCORDANCE WITH ASME B31.8, FPUC'S OPM, AND WITH PART 192 OF TITLE 49 OF THE CFR.
- THE CONTRACTOR SHALL INSTALL #10AWG COATED COPPER TRACER WIRE ALONG ALL PROPOSED POLYETHYLENE TUBING.
- UNLESS OTHERWISE NOTED, ALL NEW PIPE SHALL BE INSTALLED VIA HORIZONTAL DIRECTIONAL DRILLING METHODS.

- TYPICAL DEPTH OF COVER FOR ALL GAS FACILITIES SHALL BE 36" FOR PIPE WITHIN ROAD CORRIDOR RIGHTS-OF-WAY (R/W). MINIMUM MAINLINE DEPTH OF COVER FOR AREAS OUTSIDE OF R/W IS 24", WHILE FOR SERVICE LINES IS 18", IN ACCORDANCE WITH 49 CFR PART 192.
- CONTRACTOR SHALL INSTALL AN EXCESS FLOW VALVE (EFV) ON EVERY NEW, REPLACED AND TIED-OVER SERVICE LINES SIZED 2 INCHES AND BELOW. EFV SHALL BE SELECTED BASED ON CUSTOMER LOAD AND PROPOSED LENGTH OF SERVICE LINE (CONSULT WITH THE ENGINEER TO DETERMINE SPECIFICATIONS OF ALL NEW EFV)
- CONTRACTOR SHALL FIELD CONFIRM EXACT LOCATION, WALL THICKNESS AND GRADE OF EXISTING GAS PIPE PRIOR TO CONSTRUCTION.

PROJECT NOTES

- BOUNDARY LINES, PARCEL LINES, RIGHT AWAY LINES, ARE ALL SHOWN BASED ON PUBLICLY AVAILABLE GIS DATA AND SHOULD BE CONSIDERED APPROXIMATE. IT WILL BE THE CONTRACTORS RESPONSIBILITY TO RETAIN A PROFESSIONAL LAND SURVEYOR, PRIOR TO CONSTRUCTION, TO CONFIRM EXACT LOCATIONS OF ALL LEGAL BOUNDARY LINES, THAT MAY BE QUESTIONABLE.
- CONTRACTOR SHALL ADHERE TO SPECIAL PERMIT CONDITIONS ESTABLISHED BY THE AUTHORITIES HAVING JURISDICTION. REFER TO ALL PERMIT DOCUMENTS FOR REQUIREMENTS.

SAFETY NOTES

- CONTRACTOR TO UTILIZE APPROPRIATE SLOPING/SHORING MECHANISMS THAT MEET OR EXCEED OSHA STANDARDS WITHIN ALL EXCAVATIONS.
- THE CONTRACTOR SHALL COMPLY WITH THE PROVISIONS OF:
 - OSHA "TRENCHING AND EXCAVATION SAFETY STANDARDS (CFR 1926.650-652)
 - THE FLORIDA TRENCH SAFETY ACT (FS 553.60-553.64)
 - THE FLORIDA STATUTES, TITLE XXXIII, CHAPTER 556, "UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY"
 - THE FLORIDA STATUTES, TITLE XXVII, CHAPTER 368, "GAS TRANSMISSION AND DISTRIBUTION"
 - FLORIDA ADMINISTRATIVE CODE (F.A.C) 25-12 "SAFETY OF GAS TRANSPORTATION BY PIPELINE"
 - CFR TITLE 49, SUBTITLE B, CHAPTER I, SUBCHAPTER D "PIPELINE SAFETY" (192.1 - 192.1015)
 - THE NATURAL GAS PIPELINE SAFETY ACT OF 1968 (P.L 90-481)
 - THE PIPELINE SAFETY IMPROVEMENT ACT OF 2002
 - THE PIPELINE INSPECTION, PROTECTION, SAFETY AND ENFORCEMENT ACT (PIPES) ACT OF 2006
 - THE PIPELINE SAFETY, REGULATORY CERTAINTY AND JOB CREATION ACT OF 2011 (P.L. 112)
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORATION OF ANY DAMAGE CAUSED BY HEAVING, SETTLEMENT, SEPARATION OF PAVEMENT, ESCAPING DRILLING FLUID (FRAC-OUT), CAUSED BY THE DIRECTIONAL DRILLING OPERATION AND SHALL NOTIFY FDOT AND THE ENGINEER IMMEDIATELY.
- HORIZONTAL DIRECTIONAL DRILLING (HDD) INSTALLATION REQUIRES 24-INCH MINIMUM VERTICAL SEPARATION UNLESS OTHERWISE NOTED, AND SHALL BE MAINTAINED FROM ALL EXISTING UTILITIES. UTILITY

DEPTHS TO BE FIELD VERIFIED ALONG THE LINE OF DRILL PATH BY PHYSICALLY POTHOLING OR DAYLIGHTING THE UTILITY, PRIOR TO PILOT DRILL PASS.

- CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL AND SAFETY OF THE PUBLIC AND ITS PERSONNEL. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH AND ENFORCE ALL APPLICABLE SAFETY REGULATIONS.
- ALL INSTALLATIONS SHALL REQUIRE A MINIMUM OF 24 INCHES VERTICAL AND 48 INCHES HORIZONTAL SEPARATION FROM EXISTING UTILITIES, UNLESS OTHERWISE NOTED.
- REGARDLESS OF THE DEPTH OF EXCAVATION, CONTRACTOR SHALL EMPLOY TRENCH SHORING METHODS MEETING TRENCH SAFETY STANDARDS WHEN EXCAVATING WITHIN 4 FEET OF ANY EDGE OF PAVEMENT, CURB OR SIDEWALK.
- ENSURE ALL APPLICABLE DEWATERING PERMITS ARE OBTAINED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION DEWATERING OPERATION. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING DEWATERING SYSTEMS USING ACCEPTED AND PROFESSIONAL METHODS CONSISTENT WITH CURRENT INDUSTRY PRACTICE. PROVIDE DEWATERING SYSTEM SUFFICIENT SIZE AND CAPACITY TO CONTROL GROUNDWATER IN A MANNER THAT PRESERVES STRENGTH OF FOUNDATION SLOPED, AND DOES NOT CAUSE INSTABILITY OR RAVELING OF EXCAVATION SLOPES AND DOES NOT RESULT IN DAMAGE TO EXISTING STRUCTURES. WHERE NECESSARY TO THESE PURPOSES, LOWER WATER LEVEL IN ADVANCE OF EXCAVATION, UTILIZING WELLS, WELLPOINTS OR SIMILAR METHODS. MAINTAIN THE GROUNDWATER LEVEL TO A MINIMUM OF 2 FEET BELOW EXCAVATIONS. PROVIDE PIEZOMETERS IF DIRECTED BY THE ENGINEER TO DOCUMENT THE GROUNDWATER LEVEL IS BEING MAINTAINED.
- CONTRACTOR SHALL UTILIZE APPROPRIATE SLOPING/SHORING MECHANISMS THAT MEET OR EXCEED OSHA STANDARDS WITHIN ALL EXCAVATIONS.
- DURING AND CONTACT WITH OR WHILE WORKING AROUND IN-SERVICE PIPELINES/FACILITIES, COMPLETE USE OF ALL UTILITY REQUIRED PPE IS MANDATORY. IN ADDITION, ALL SAFETY MEASURES ASSOCIATED WITH IN-SERVICE PIPELINE WORK ARE TO BE STRICTLY UPHOLD.

MAINTENANCE OF TRAFFIC NOTES

- ALL CONSTRUCTION DEBRIS AND OTHER WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TRAFFIC DURING CONSTRUCTION IN ACCORDANCE WITH FDOT STANDARD INDEX 102-603 - LATEST EDITION.
- ALL EXISTING SIDEWALKS SHALL REMAIN OPEN. IN CASES WHERE SIDEWALK CLOSURES ARE NEEDED, PROVISIONS FOR TEMPORARY SIDEWALK CLOSURES AND DETOURS SHALL BE PROVIDED IN ACCORDANCE WITH FDOT STANDARD INDEX 102-660, LATEST EDITION.
- THE CONTRACTOR SHALL COORDINATE WITH ANY LOCAL JURISDICTIONS AND ADHERE TO ANY MOT REQUIREMENTS WHICH MAY BE IN ADDITION TO FDOT STANDARDS.
- TRAFFIC TO BE MAINTAINED DURING CONSTRUCTION IN ACCORDANCE WITH TOWN OF PALM BEACH REQUIREMENTS

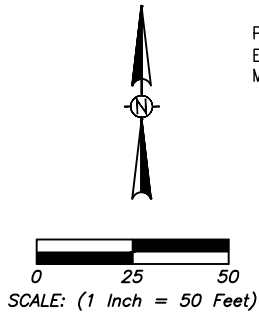
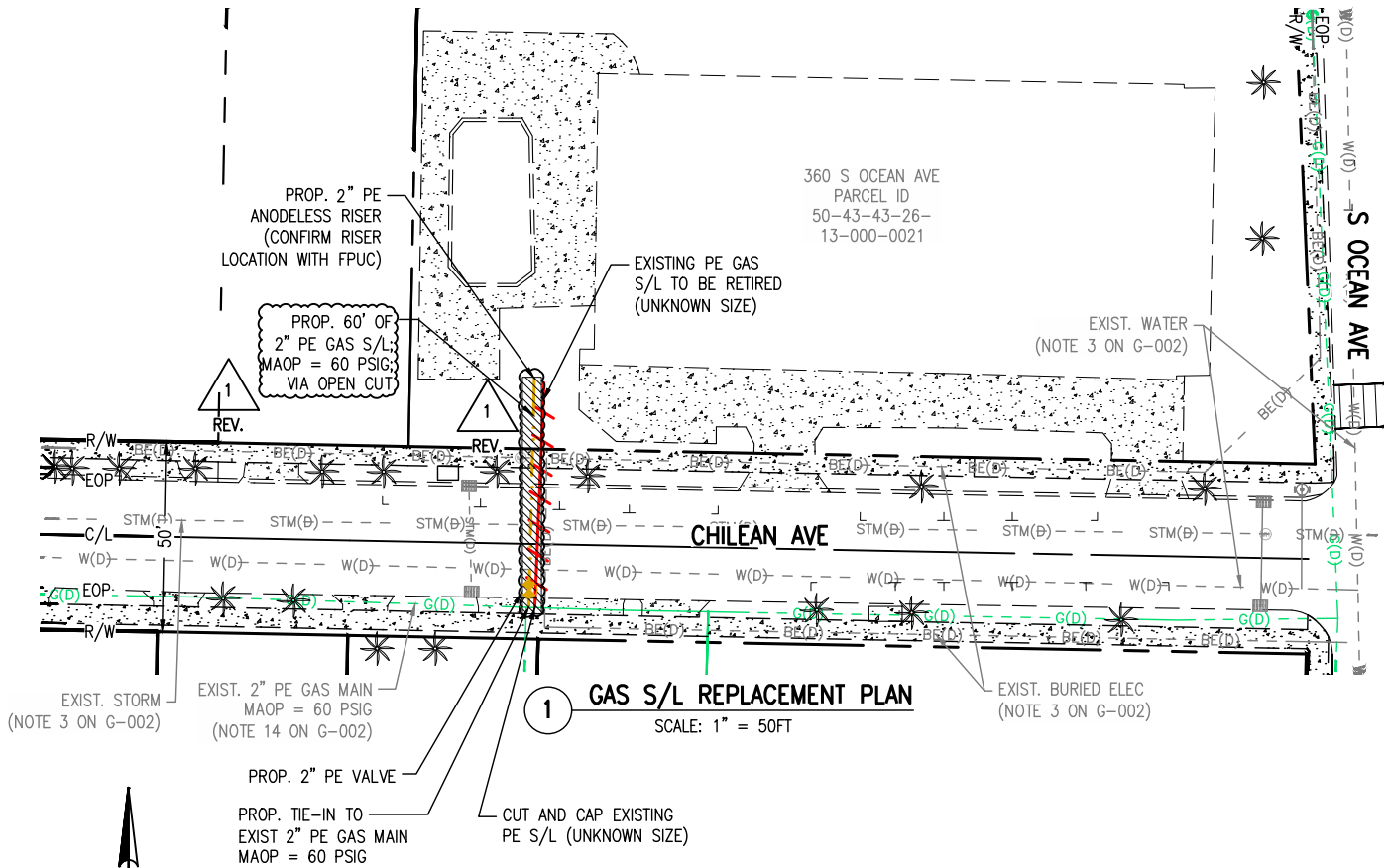
SIZE ANSI A (8.5X11)	CONTROL NO. 25-1991
SCALE AS SHOWN	DRAWN CARLQUINT
DATE 09.15.2025	
REVISION NUMBER AND DESCRIPTION	DATE

FLORIDA PUBLIC UTILITIES COMPANY 1635 MEATHE DR, WEST PALM BEACH, FL 33441		
 R.J. RUIZ & ASSOCIATES, INC. 800-559-RUIZ WWW.RUIZUSA.COM	GAS SERVICE LINE REPLACEMENT 360 S OCEAN DR PALM BEACH, FL 33480 PROJECT NOTES PALM BEACH COUNTY, FL	
		SHEET. NO. G-002 

PALM BEACH COUNTY, FL
LAT: 26°42'9.34"N
LONG: 80° 2'1.29"W

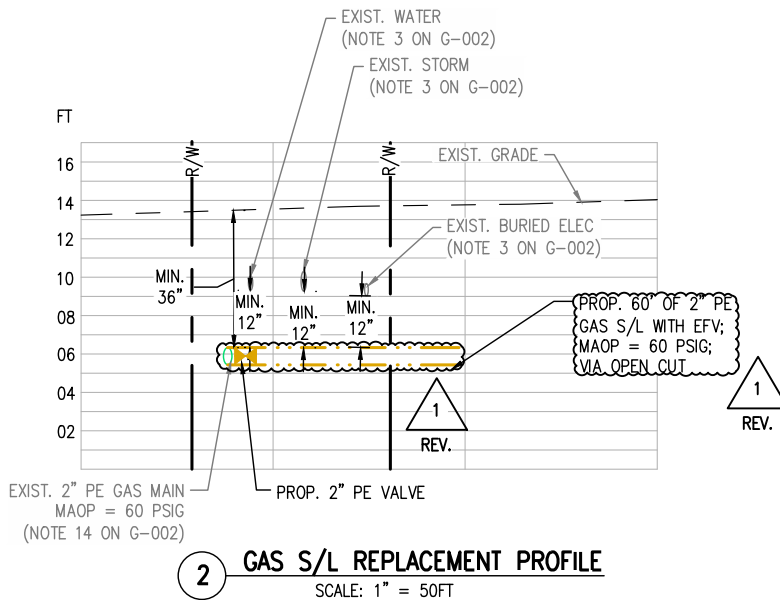
NOTES

1. REFER TO SHEET G-002 FOR PROJECT NOTES



LEGEND

- G(D) --- EXISTING GAS MAIN
- PROPOSED GAS SERVICE
- ++++ PROPOSED GAS SERVICE TO BE RETIRED
- BE(D) --- EXISTING BURIED ELECT.
- W(D) --- EXISTING WATER
- STM(D) --- EXISTING STORM
- 5FT X 5FT EXCAVATION
- 3FT X 3FT EXCAVATION NEEDED FOR UTILITY VERIFICATION (SOFT DIG)
- PROPOSED 2" PE VALVE



SIZE
ANSI A (8.5X11)

SCALE
AS SHOWN

DRAWN
CARLQUINT

CONTROL NO.
25-1991

DATE
09.15.2025

REVISION NUMBER AND DESCRIPTION	DATE

FLORIDA PUBLIC UTILITIES COMPANY
1635 MEATHE DR, WEST PALM BEACH, FL 33441



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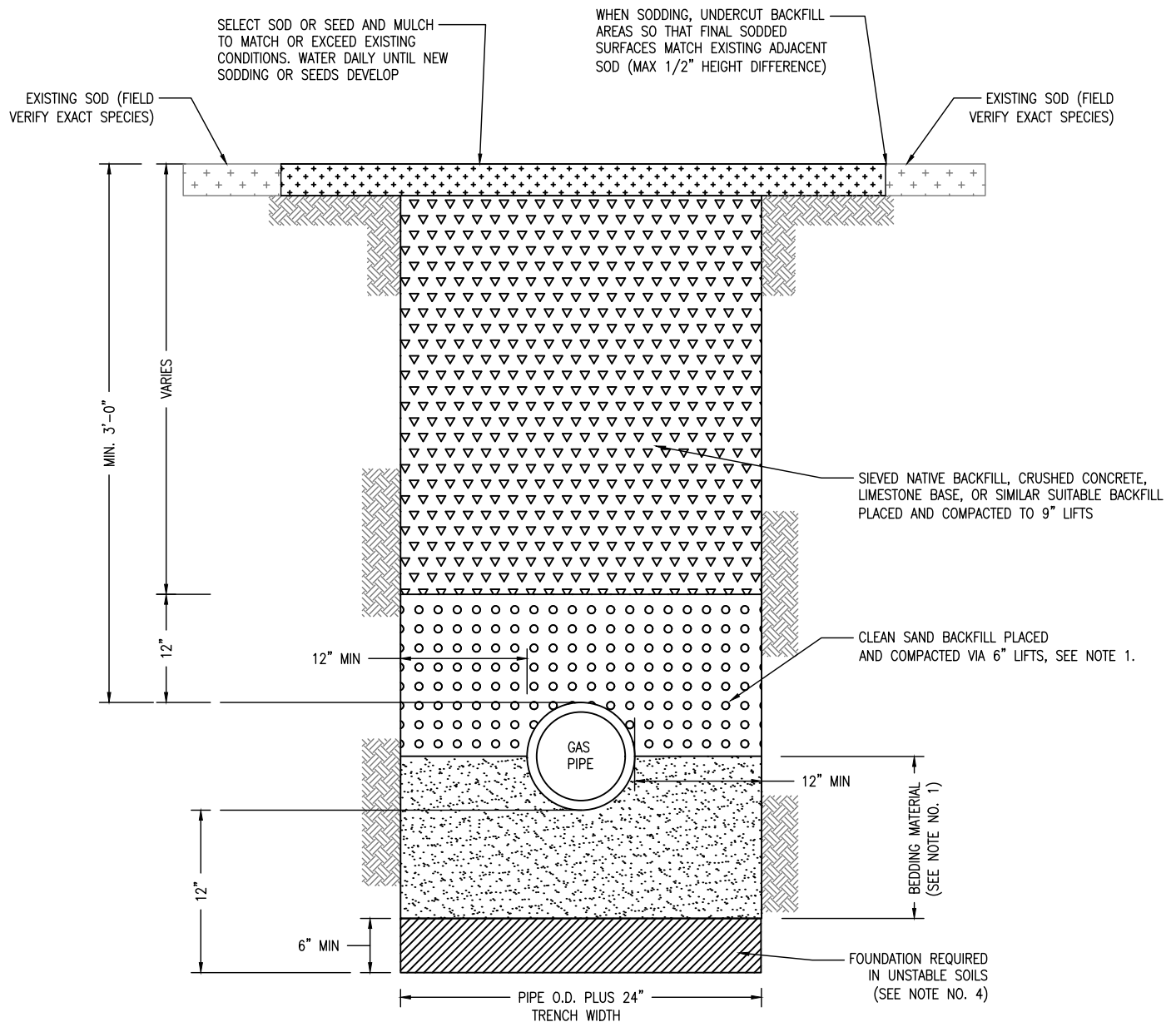
GAS SERVICE LINE REPLACEMENT
360 S OCEAN DR
PALM BEACH, FL 33480
GAS S/L REP. PLAN AND PROFILE
PALM BEACH COUNTY, FL



SHEET. NO.
CU-101



S:\DWG\COUNTY\2025\01\6.09.25\5.1 FILEPATH: P:\GAS\2025\25-1991 FRUC NB - 360 S OCEAN BLVD - PALM BEACH DRAWINGS\CAD\25-1991 8.5X11 - CI-101 TRENCH IN SOD RESTORATION DETAIL.DWG/CI-101



NOTES

1. BACKFILL PLACED AROUND THE PIPE SHALL BE FREE OF OBJECTS THAT COULD POTENTIALLY DAMAGE THE PIPE AND/OR COATING. AN ACCEPTABLE, CLEAN BACKFILL MAY INCLUDE, BUT IS NOT LIMITED TO, CLEAN SAND, ROCK DUST, OR CLAY. THE PIPE SHALL BE BEDDED TO HAVE A GOOD BEARING ON UNDISTURBED OR WELL-TAMPED SOIL. IF THE TRENCH BOTTOM IS UNSUITABLE DUE TO ROCKY CONDITIONS, A 6" PADDING OF CLEAN MATERIAL SHALL BE PLACED BELOW THE PIPE.
2. OTHERWISE SPECIFIED, BEDDING MATERIAL SHALL CONSIST OF SELECT BACKFILL MATERIAL 2" MAX SIZE, OR WASHED AND GRADED LIMEROCK (3/8" - 7/8"), COMPACTED TO AT LEAST 90% OF MAX DENSITY, 6" LIFTS, PER AASHTO SPEC. NO T-180
3. WHERE REQUIRED, SHEETING AND SHORING SHALL BE IN ACCORDANCE WITH SPECIFICATIONS
4. WHERE UNSTABLE SOILS ARE ENCOUNTERED, INCLUDING PEAT, MUCK OR OTHER ORGANIC SOILS, ELASTIC SILT AND CLAYS BELOW THE WATER TABLE, A FOUNDATION IS REQUIRED, COMPACTED TO AT LEAST 90% OF MAX. DENSITY, 6" LIFTS, PER AASHTO SPEC. NO. T-180. FOUNDATION MATERIAL SHALL BE SELECT BACKFILL MATERIAL, 2" MAXIMUM SIZE 6" LIFTS. EXTEND EXCAVATION AT LEAST 2" DEEPER FOR FOUNDATION UNLESS SUITABLE MATERIAL IS FOUND AT A LESSER DEPTH. GREATER DEPTHS MAY BE REQUIRED FOR EXTREMELY POOR CONDITIONS.

SIZE ANSI A (8.5X11)		CONTROL NO. 25-1991
SCALE AS SHOWN	DRAWN CARLQUINT	DATE 09.15.2025
REVISION NUMBER AND DESCRIPTION		DATE

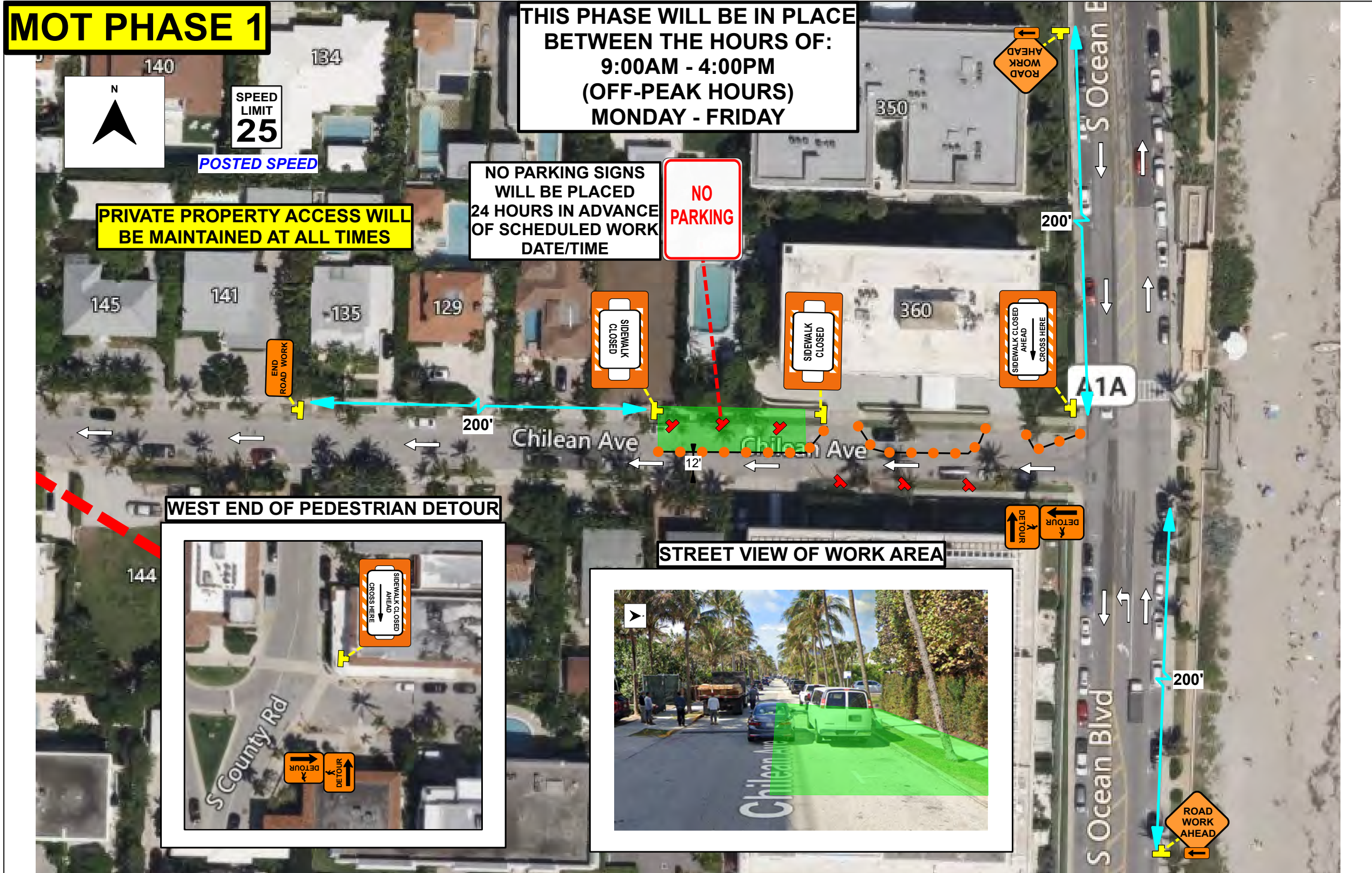
FLORIDA PUBLIC UTILITIES COMPANY 1635 MEATHE DR, WEST PALM BEACH, FL 33441	
 R.J. RUIZ & ASSOCIATES, INC. 800-559-RUIZ WWW.RUIZUSA.COM	GAS SERVICE LINE REPLACEMENT 360 S OCEAN DR PALM BEACH, FL 33480 SOD RESTORATION DETAIL PALM BEACH COUNTY, FL


SHEET. NO. CI-101


FLORIDA PUBLIC
UTILITIES

SHEET. NO.
CI-102

0



PROJECT LOCATION:	360 S OCEAN BLVD
CITY:	PALM BEACH, FLORIDA
COUNTY:	PALM BEACH COUNTY
JOB #:	25-1991
CONTACT:	JESSICA QUINTANILLA
PHONE #:	305-456-7664 Ext 106
DATE:	11/20/2025

$$\frac{1}{3} L = \frac{WS^2}{60} = 42' \text{ TAPER}$$

TABLE 1 CHANNELIZING DEVICE SPACING				
WORK ZONE SPEED (mph)	Max. Distance Between Devices (ft.)			
	Cones or Temporary Tubular Markers		Type I Barricades, Type II Barricades, Vertical Panels, or Drums	
	Taper	Tangent	Taper	Tangent
≤ 45	25	50	25	50

TABLE 3 WORK ZONE SIGN SPACING "X"	
Road Type	Min. Spacing (feet)
Arterial and collectors with Work Zone Speed ≤ 40 mph	200

Legend	
'No Parking' Sign	48" x 48" Sign
Channelizing Device	Lane ID & Direction
Pedestrian LCD	Sign Stand
Work Area	

-FOR OVERVIEW PURPOSE ONLY - PLAN NOT TO SCALE

-CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ACCESS TO PRIVATE RESIDENCES, BUS STOPS AND FIRE HYDRANTS AT ALL TIMES

-TRAFFIC CONTROL SHALL COMPLY WITH FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND F.D.O.T. DESIGN STANDARD # 102-600 SERIES.

TABLE 4 BUFFER LENGTH "B"	
Work Zone Speed (mph)	Min. Length (feet)
25	155'

Note: When buffer Length "B" cannot be attained due to geometric constraints, use the greatest length possible, but not less than 155 feet.

Certificate: 645431

Issued: 07/22/2025

Expires: 07/14/2029

Instructor: E.S.

JEREMY MULANIX floridatraflicdesign.com

Has Completed a FDOT Approved Temporary Traffic Control: Advanced Course.

Training Provider: American Traffic Safety Services Association (ATSSA)

15 Riverside Parkway Ste.311
Fredericksburg, VA 22406
Ph: 540-368-1701

Verify this Certificate at www.motadmin.com.

MOT PHASE 2

STREET VIEW OF WORK AREA



THIS PHASE WILL BE IN PLACE
BETWEEN THE HOURS OF:
9:00AM - 4:00PM
(OFF-PEAK HOURS)
MONDAY - FRIDAY

NO PARKING SIGNS
WILL BE PLACED
24 HOURS IN ADVANCE
OF SCHEDULED WORK
DATE/TIME



N

SPEED
LIMIT

25

POSTED SPEED

WEST END OF PEDESTRIAN DETOUR



PRIVATE PROPERTY ACCESS WILL
BE MAINTAINED AT ALL TIMES

Legend

'No Parking' Sign

48" x 48" Sign

Channelizing Device

Lane ID & Direction

Pedestrian LCD

Sign Stand

Work Area

-FOR OVERVIEW PURPOSE ONLY - PLAN NOT TO SCALE

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PROJECT LOCATION:	360 S OCEAN BLVD
CITY	PALM BEACH, FLORIDA
COUNTY	PALM BEACH COUNTY
JOB #	25-1991
CONTACT	JESSICA QUINTANILLA
PHONE #	305-456-7664 Ext 106
DATE	11/20/2025

$$\frac{1}{3} L = \frac{WS^2}{60} = 42' \text{ TAPER}$$

TABLE 1
CHANNELIZING DEVICE SPACING

WORK ZONE SPEED (mph)	Max. Distance Between Devices (ft.)			
	Cones or Temporary Tubular Markers		Type I Barricades, Vertical Panels, or Drums	
	Taper	Tangent	Taper	Tangent
≤ 45	25	50	25	50

TABLE 3
WORK ZONE SIGN SPACING "X"

Road Type	Min. Spacing (feet)
Arterial and collectors with Work Zone Speed ≤ 40 mph	200

9/10/2024 10:42:48 AM

SHEET	TABLE OF CONTENTS
1	General Notes, TTC Tables
2	Definitions Temporary Traffic Control Devices Overhead Work Railroads Sight Distance Above Ground Hazard
3	Clear Zone Widths For Work Zones Superelevation Length Of Lane Closures Overweight/Oversize Vehicles Lane Widths High-Visibility Safety Apparel Speed Reduction Signing
4	Flagger Control Survey Work Zones Signs
5	Work Zone Sign Supports
6	Commonly Used Warning and Regulatory Signs In Work Zones
7	Manholes/Crosswalks/Joints Truck Mounted Attenuators Signals Channelizing Devices Channelizing Devices Consistency Advanced Warning Arrow Boards
8	Drop-Offs In Work Zones
9	Business Entrance Temporary Asphalt Separator
10	Channelizing Devices Notes Temporary Barrier Notes
11	Pavement Markings

GENERAL NOTES:

1. This Index contains information specific to the Federal and State guidelines and standards for the preparation of traffic control plans and for the execution of traffic control in work zones, for construction and maintenance operations and utility work on highways, roads and streets on the State Highway System. Certain requirements in this Index are based on the high volume nature of State Highways. For highways, roads and streets off the State Highway System, the local agency (City/County) having jurisdiction may adopt requirements based on the minimum requirements provided in the MUTCD.
2. Use this Index in accordance with the Plans and Indexes 102-601 through 102-680. Indexes 102-601 through 102-680 are Department-specific typical applications of commonly encountered situations. Adjust device location or number thereof as recommended by the Worksite Traffic Supervisor and approved by the Engineer. Devices include, but are not limited to, flaggers, portable temporary signals, signs, pavement markings, and channelizing devices. Comply with MUTCD or applicable Department criteria for any changes and document the reason for the change.
3. Except for emergencies, any road closure on State Highway System must comply with Section 335.15, F.S.

TABLE 1 CHANNELIZING DEVICE SPACING				
Work Zone Speed (mph)	Max. Spacing (feet)			
	Cones or Temporary Tubular Markers		Type I Barricades, Type II Barricades, Vertical Panels, or Drums	
	Taper	Tangent	Taper	Tangent
≤ 45	25	50	25	50
≥ 50	25	50	50	100

TABLE 2 TAPER LENGTH "L"	
Work Zone Speed (mph)	Min. Length (feet)
≤ 40	$L = \frac{WS^2}{60}$
≥ 45	$L = WS$
Where: W = width of offset in feet S = speed in mph	

TABLE 3 WORK ZONE SIGN SPACING "X"	
Road Type	Min. Spacing (feet)
Arterials and Collectors with Work Zone Speed ≤ 40 mph	200
Arterials and Collectors with Work Zone Speed ≥ 45 mph	500
Limited Access Roadways *	1,500
* For Limited access roadways with work zone speed ≤ 55 mph, the minimum spacing may be reduced in accordance with the MUTCD and as approved by the Engineer.	

TABLE 4 BUFFER LENGTH "B"	
Work Zone Speed (mph)	Min. Length (feet)
25	155
30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	730
Note: When Buffer Length "B" cannot be attained due to geometric constraints, use the greatest length possible, but not less than 155 feet.	

SYMBOLS:

Work Area

Channelizing Device

Work Zone Sign

Type III Barricade

Lane Identification and Direction of Traffic

CHILEAN AVE



FY 2025-26
STANDARD PLANS

GENERAL INFORMATION FOR TRAFFIC
CONTROL THROUGH WORK ZONES

INDEX
102-600

SHEET
1 of 11

Certificate:
645431

Issued: 07/22/2025

Expires: 07/14/2029

Instructor: ES

JEREMY MULANIX floridatrafﬁcdesign.com

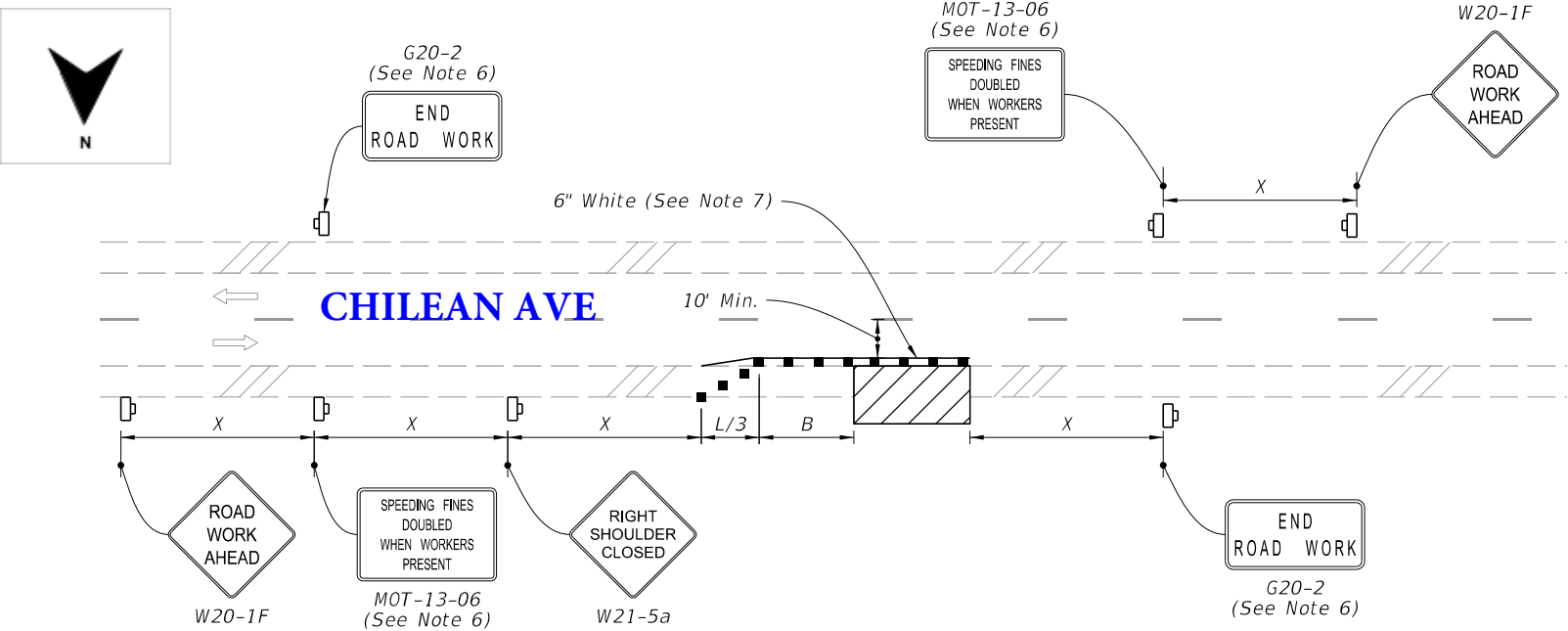
Has Completed a FDOT Approved Temporary Traffic Control: Advanced Course.

Training Provider:
American Traffic Safety Services Association (ATSSA)
15 Riverside Parkway, Ste 311
Fredericksburg, VA 22405
Ph: 540-388-1701

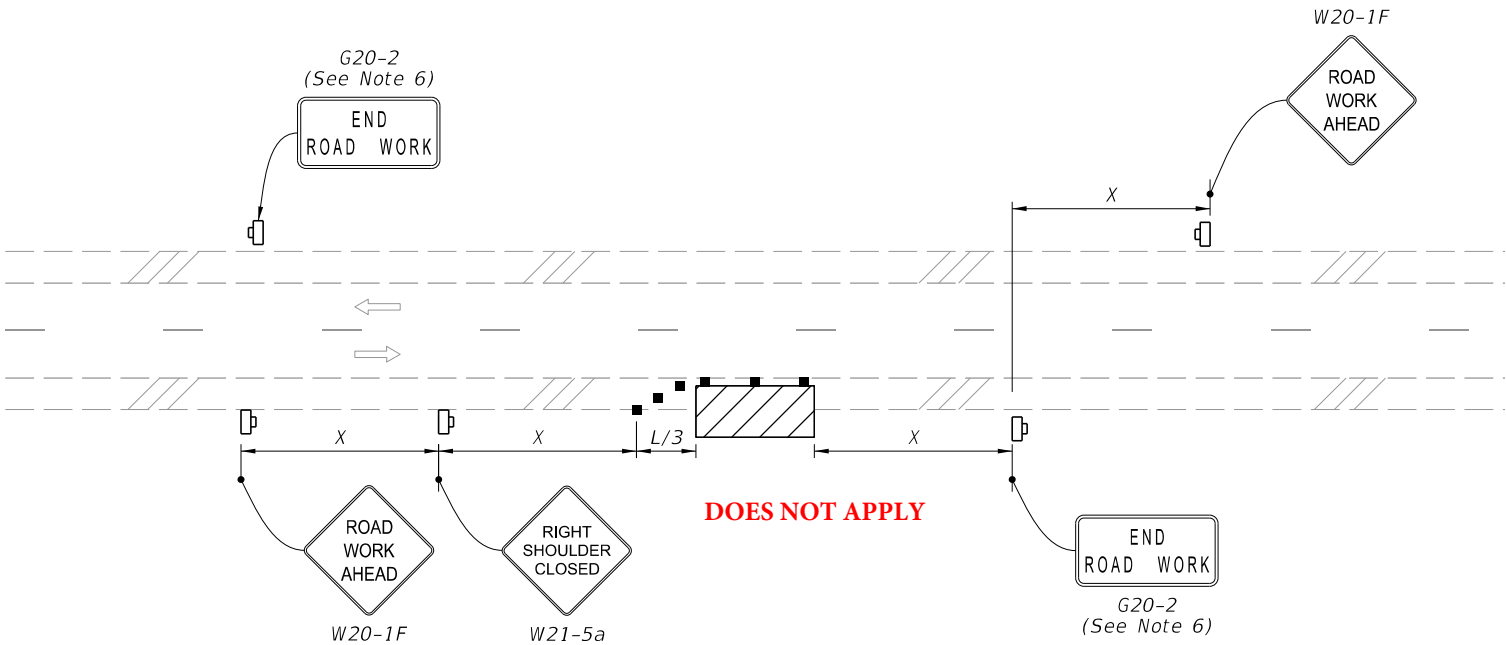
Verify this Certificate at www.motadmin.com.

LAST REVISION	DESCRIPTION:
11/01/23	

- NOTE:**
1. This Index applies to Two-Lane, Two-Way and Multilane Roadways, including Medians of divided roadways, with work on the shoulder.
 2. L = Taper Length
 X = Work Zone Sign Spacing
 B = Buffer Length
See Index 102-600 for "L", "X", "B", and channelizing device spacing values.
 3. Where work activities are between 2' and 15' from the edge of traveled way, the Engineer may omit signs and channelizing devices for work operations 60 minutes or less.
 4. When four or more work vehicles enter the through traffic lanes in a one hour period (excluding establishing and terminating the work area), use a flagger or lane closure to accommodate work vehicle ingress and egress.
 5. For work less than 2' from the traveled way and work zone speed is greater than 45 MPH, use a lane closure.
 6. The "Speeding Fines Doubled When Workers Present" signs (M0T-13-06) and "End Road Work" Signs (G20-2) along with the associated work zone sign spacing distances may be omitted when the work operation is in place for 24 hours or less.
 7. Temporary pavement markings may be omitted when the work operation is in place for 3 days or less.
 8. Omit "Shoulder Closed" signs (W21-5a) along with associated work zone sign spacing distances for work on the median.
 9. When there is no paved shoulder, the "Worker" sign (W21-1) may be used instead of the "Shoulder Closed" sign (W21-5a).



TWO-LANE ROADWAY
SHOULDER WORK LESS THAN 2' FROM THE TRAVELED WAY
WITH WORK ZONE SPEED OF 45 MPH OR LESS



TWO-LANE ROADWAY
SHOULDER WORK BETWEEN 2' AND 15' FROM THE TRAVELED WAY



JEREMY MULANIX floridatrafficsign.com

Certificate:
645431

Issued: 07/22/2025
Expires: 07/14/2029
Instructor: E S

Has Completed a FDOT Approved Temporary Traffic Control Advanced Course.

Training Provider:
American Traffic Safety Services Association (ATSSA)
15 Riverside Parkway Ste 311
Fredericksburg, VA 22405
Ph: 540-388-1701
Verify this Certificate at www.motadmin.com.





FY 2025-26
STANDARD PLANS

TWO-LANE AND MULTILANE, WORK ON SHOULDER

INDEX
102-602

SHEET
1 of 2

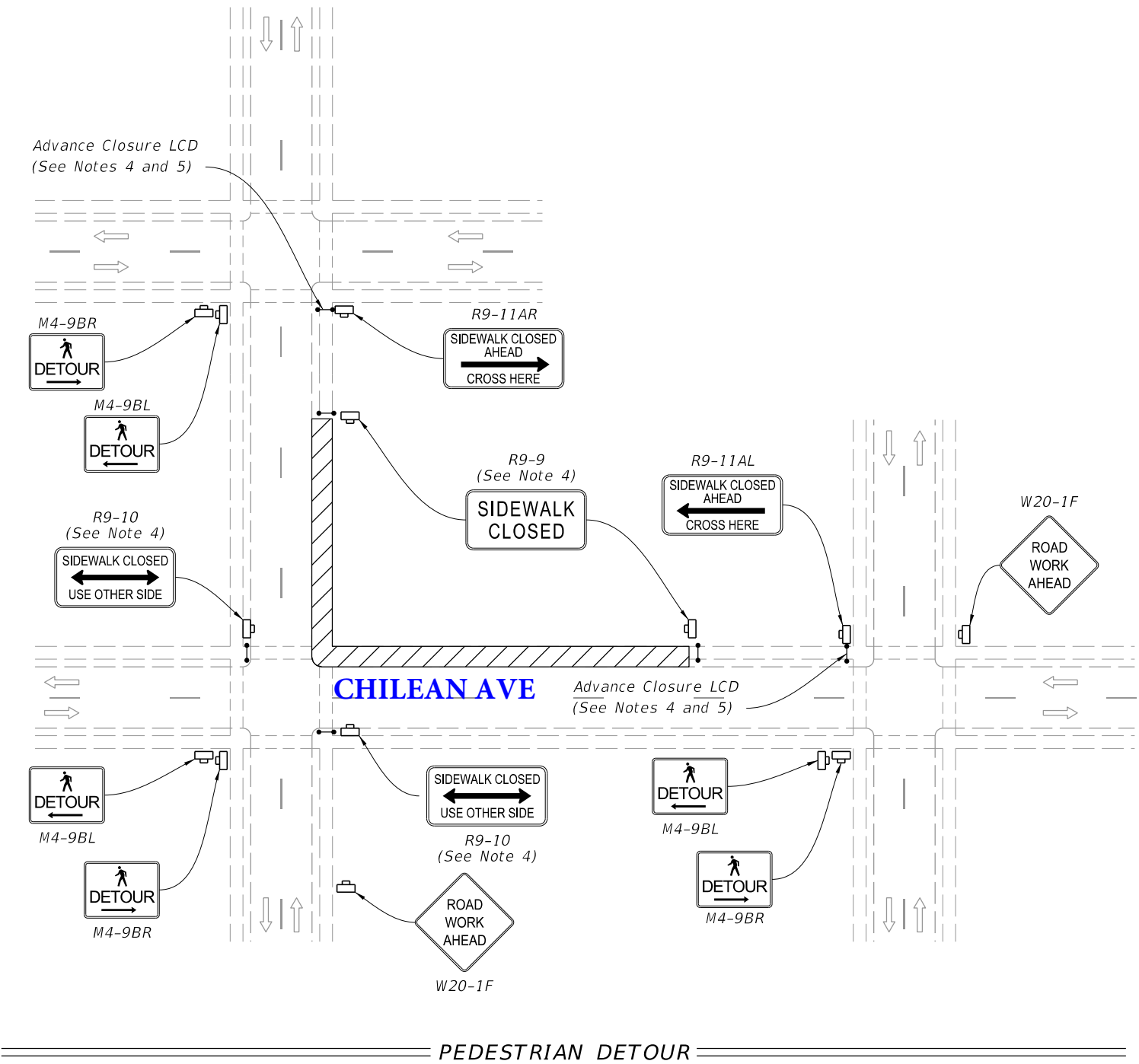
9/10/2024 10:45:37 AM

NOTES:

- 1. Cover or deactivate pedestrian traffic signal display(s) controlling closed crosswalks.
- 2. Place pedestrian LCDs across the full width of the closed sidewalk.
- 3. For post mounted signs located near or adjacent to a sidewalk, maintain a minimum 7' clearance from the bottom of the sign panel to the surface of the sidewalk.
- 4. "Sidewalk Closed" signs (R9-XX) may be mounted on pedestrian LCDs in accordance with the manufacturer's instructions.
- 5. Omit the Advance Closure LCD if it blocks access to other pedestrian facilities (e.g., transit stops, residences, or business entrances).

SYMBOLS:

- Work Area
- Work Zone Sign
- Pedestrian Longitudinal Channelizing Device (LCD)
- Lane Identification and Direction of Traffic



JEREMY MULANIX floridatraffidesign.com

Certificate: 645431

Issued: 07/22/2025

Expires: 07/14/2029

Instructor: E.S.

Has Completed a FDOT Approved Temporary Traffic Control: Advanced Course.

Training Provider:

American Traffic Safety Services Association (ATSSA)
15 Riverside Parkway, Ste 311
Fredericksburg, VA 22405
Ph: 540-388-1701

Verify this Certificate at www.motadmin.com.

LAST REVISION	DESCRIPTION:	FDOT	FY 2025-26 STANDARD PLANS	SIDEWALK CLOSURE	INDEX	SHEET
11/01/20					102-660	1 of 2

Permit GENR-25-00081 • 11/24/2025 2:40PM

To

Message

myelectricman@aol.com

CC

mfoster@townofpalmbeach.com

From

The entire 10-page application fully executed is required. Our permit application has changed. Please always get the application from our website for each submittal as it is always evolving. Please see the link for the application below. Once it is completed, please resubmit.
<https://www.townofpalmbeach.com/DocumentCenter/View/361/Application-for-Construction-Permit?bidId=>

Please upload the workers comp naming the Town of Palm Beach as the certificate holder. The Town of Palm Beach Shores was uploaded.
[Access your record online here](#)

This is a no-reply e-mail address. To contact us, please send an e-mail to mfoster@townofpalmbeach.com

Attachment

Permit GENR-25-00081 • 11/19/2025 3:21PM

To

Message

myelectricman@aol.com

CC

msentmanat@townofpalmbeach.com

From

Owners signatures are REQUIRED on all pages where indicated. Please re upload once you have application correctly completed.
[Access your record online here](#)

This is a no-reply e-mail address. To contact us, please send an e-mail to msentmanat@townofpalmbeach.com

Attachment

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Kelly Churney, CMC, Town Clerk

Re: Appointments to the Shore Protection Board

Date: 11/26/2025

Staff recommends that the Town Council review the submitted applications and appoint three (3) regular members to the Shore Protection Board to fill the vacancies created by the term expiration of Melissa Ceriale, Erick Reickert and Joel Zylstra. Ms. Ceriale and Mr. Reickert are termed out and not eligible for reappointment.

The Town Clerk's office has received the following applications:

REAPPOINTMENT

Joel Zylstra, 1438 North Ocean Blvd., Palm Beach, FL

NEW APPOINTMENT

Warren Belmar, 130 Sunrise Ave., Apt. 319, Palm Beach, FL;

Timothy Cohan, 270 Queens Lane, Palm Beach, FL;

Bill Ford, 170 North Ocean Blvd., #502, Palm Beach, FL;

Austin Fragomen, 233 Clarke Avenue, Palm Beach, FL;

Christine Goodman, 270 Colonial Lane, Palm Beach, FL;

Page Lee Hufty, 340 Island Road, Palm Beach, FL

Timothy O'Hara, 222 Everglade Ave., Palm Beach, FL.

All applications are on file in the Town Clerk's office and available for review upon request.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Community Culture and Character

Strategic Focus Areas:

Cooperative Relationships

Collaborative Town Government

FUNDING

No Fiscal Impact

SHORE PROTECTION BOARD

Next Appointment: **December 9, 2025, Town Council meeting**

Openings advertised via news release: **Tuesday, September 9, 2025**

Deadline to submit applications: **Wednesday, November 26, 2025, by 5:00 p.m.**

Number of openings: **3 Regular Members**

Applicants

NAME	SEEKING
Joel Zylstra	Reappointment
Warren Belmar	New Appointment
Timothy Cohan	New Appointment
Bill Ford	New Appointment
Austin Fragomen	New Appointment
Christine Goodman	New Appointment
Page Lee Hufty	New Appointment
Timothy O'Hara	New Appointment

Current Members and open seats

NAME	TERM EXPIRES
Regular Members	
Erick Reickert***	12/1/25
Joel Zylstra	12/1/25
Melissa Ceriale***	12/1/25
Ronald Matzner	12/1/27
Lawrence Kaplan	12/1/27
James McKelvy	12/1/27
Peter Matwiczuk	12/1/27

Highlighted in yellow=term currently expiring/vacant

*=Applied for reappointment

***=Termed out

Ballot For Appointment of Regular Members
to the Shore Protection Board
December 9, 2025, Town Council Meeting

Position(s) to be filled: **3 Regular Members**

Please circle three (3) names from the list of names appearing below.

Regular Member(s) Applying for Reappointment

Joel Zylstra

Others Who Have Submitted Applications

Warren Belmar

Timothy Cohan

Bill Ford

Austin Fragomen

Christine Goodman

Page Lee Hufty

Timothy O'Hara

Signature of Town Council Member: _____

Town Council Member

Town of Palm Beach, FL - Member Attenda

Shore Protection Board

Member	Jan 30, 2025	Mar 27, 2025	2-Oct-25
Lawrence D Kaplan	P	A	C
Melissa Ceriale	P	P	C
Ronald F Matzner	P	P	C
Peter Matwiczuk	P	P	C
James P McKelvy	P	P	C
Joel M Zylstra	P	P	C
Erick A Reickert	P	P	C

Present:	7	6
Absent:	0	1
Excused:	0	0

- * P = Present
- * A = Absent
- * E = Excused
- * C = Canceled

nce Report - 2025

Nov 20, 2025	TOTALS
P	66.67%
P	100.0%
P	100.0%
P	100.0%
P	100.0%
P	100.0%
P	100.0%

7	95.24%
0	4.76%
0	0.0%



TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Town Right of Way Manual Revisions 161-2025

Date: 11/24/2025

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 161-2025 amending the Town's Right-of-Way Manual Chapter 4 Section 7.29 modifying the Restoration of Right of Way requirement.

GENERAL INFORMATION

The revised Standards Applicable to Rights-of-Way and Easements within the Town of Palm Beach was adopted by resolution September 9, 2025. Since this adoption, Town Council requested a modification to the standard for replacement of flexible pavement for permitted pavement cuts. At the November 12, 2025 Town Council recommended the new standard for permitted pavement cuts require milling and resurfacing of the full road width from property line to property line. The revised language is found in the Right of Way Manual in Chapter 4 Section 7.29 and demonstrated.

Roadway patches shall have the full width of the roadway milled and resurfaced between the property boundaries of the property adjacent to the roadway patch, or as directed by the Engineering Division. Should this area exceed 50% of any block, then the entire block shall be milled and resurfaced. Where multiple blocks are involved, the milling and resurfacing shall be continuous through the intersections between the blocks. Where the distance between milled areas is 50 feet or less, that area must also be milled and resurfaced.

With the adoption of the associated resolution this modification will be reflected in the manual and posted on the Town's website.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachment

cc. Patricia Strayer, P.E, Town Engineer
Jason Debrincat, Deputy Director of Public Works
Julie Parham, Deputy Town Engineer

STRATEGIC PLAN

Strategic Priorities:

Mobility and Transportation

Strategic Focus Areas:

On-island Mobility

FUNDING

No Fiscal Impact

RESOLUTION NO. 161-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TOWN RIGHT OF WAY MANUAL REVISIONS

WHEREAS, the Town of Palm Beach, Town Council authorized the creation of the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements is reviewed from time-to-time and may be modified by Resolution of the Town Council; and

WHEREAS, the Town of Palm Beach, Town Council authorized the creation of the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Town has determined, that Chapter 4 Section 7.29 Restoration of Right-of-Way should be modified to state "Roadway patches shall have the full width of the roadway milled and resurfaced between the property boundaries of the property adjacent to the roadway patch, or as directed by the Engineering Division. Should this area exceed 50% of any block, then the entire block shall be milled and resurfaced. Where multiple blocks are involved, the milling and resurfacing shall be continuous through the intersections between the blocks. Where the distance between milled areas is 50 feet or less, that area must also be milled and resurfaced.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

The Town Council adopts the Right-of-Way manual modification dated November 9, 2025.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on December 9, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Utility Locate Requirements

Date: 11/25/2025

STAFF RECOMMENDATION

This memo is intended to be informational only and provide the requirements for utility locates in the event excavation is required for construction/repair activities when utilities are present.

SUMMARY EXPLANATION/BACKGROUND

As required by Chapter 556 of the Florida Statutes, anyone performing an excavation for construction or repair is to contact and request utility locates from Sunshine State One Call (811) a minimum of two (2) days prior to breaking ground. Sunshine 811 is a not-for-profit corporation designed to provide essential information on safe digging and prevent damage to underground facilities in Florida. The organization was established in 1993 with the adoption of the "Underground Facility Damage Prevention and Safety Act," Chapter 556, Florida Statutes.

Chapter 556 of the Florida Statute defines the requirements in multiple sections and is attached for reference. Of note, Chapter 556 Section 114 - Low impact marking practices, identifies the notification system Sunshine State One Call of Florida (811) having an educational program on their website with detailed information on the requirements for following low impact marking practices as follows.

Low Impact Marking Guidelines for Excavators

Excavators must follow the Low Impact Marking Guidelines in s.556.114, F.S., summarized below.

1. Locate ticket requests should cover only those portions of a job site where excavation or demolition will occur within 30 calendar days of the date the ticket is requested.

2. When renewing tickets for jobs lasting longer than 30 calendar days, identify only the areas where excavation will occur (i.e. eliminate any areas where excavation or demolition is complete).
3. Work sites that are difficult to explain should be pre-marked unless the excavator and member have mutually agreed otherwise.
4. Acceptable marking products for excavators to pre-mark a job site:
 - a. White flags
 - b. White stakes
 - c. White temporary, non-permanent paint
 - d. Other industries accepted low impact marking practices

Please note: Paint markings are to be water based and non- permanent. Type of paint and removal cannot be required by a municipality per Section 556.101(3)(d), F.S.

CC: Jason Debrincat, P.E., Deputy Director of Public Works
Patricia Strayer, P. E., Town Engineer
Julie Parham, P. E., Deputy Town Engineer

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Collaborative Town Government

FUNDING

No Fiscal Impact

CHAPTER 556

UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY

556.101 Short title; legislative intent.

556.102 Definitions.

556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.

556.104 Free-access notification system.

556.105 Procedures.

556.106 Liability of the member operator, excavator, and system.

556.107 Violations.

556.108 Exemptions.

556.109 Emergency excavations or demolitions attempted, exception.

556.110 Costs assessed among member operators.

556.111 Applicability to existing law.

556.112 Design services.

556.113 Sunshine State One-Call of Florida, Inc.; public records exemption.

556.114 Low impact marking practices.

556.115 Alternative dispute resolution.

556.116 High-priority subsurface installations; special procedures.

556.117 Underground facility damage prevention and enforcement review.

556.101 Short title; legislative intent.

(1) This chapter may be cited as the “Underground Facility Damage Prevention and Safety Act.”

(2) It is the intent of the Legislature to provide access for excavating contractors and the public to provide notification to the system of their intent to engage in excavation or demolition. This notification system shall provide the member operators an opportunity to identify and locate their underground facilities. Under this notification system, Sunshine

State One-Call of Florida, Inc., is not required or permitted to locate or mark underground facilities.

(3) It is the purpose of this chapter to:

(a) Aid the public by preventing injury to persons or property and the interruption of services resulting from damage to an underground facility caused by excavation or demolition operations.

(b) Create a not-for-profit corporation comprised of operators of underground facilities in this state to administer this chapter.

(c) Fund the cost of administration through contributions from the member operators for services provided to the member operators and from charges made to others for services requested and provided, such as record searches, education or training, and damage prevention activities.

(d) Reserve to the state the power to regulate any subject matter specifically addressed in this chapter. Municipalities, counties, districts, or other local governments may not adopt or enforce ordinances or rules that conflict with this chapter or that prescribe any of the following:

1. Require operators of underground facilities to obtain permits from local governments in order to identify underground facilities.

2. Require premarking or marking.

3. Specify the types of paint or other marking devices that are used to identify underground facilities.

4. Require removal of marks.

(e) Permit any local law enforcement officer, local government code inspector, or code enforcement officer to enforce this chapter without the need to incorporate the provisions of this chapter into any local code or ordinance.

(f) Foster the awareness of federal laws and regulations that promote safety with respect to underground facilities, including, but not limited to, the Federal Pipeline Safety Act of 1968, as amended, the Pipeline Safety Improvement Act of 2002, OSHA Standard 1926.651, and the National Electric Safety Code, ANSI C-2, by requiring and facilitating the advance notice of activities by those who engage in excavation or demolition operations.

(4) It is not the purpose of this chapter to amend or void any permit issued by a state agency for placement or maintenance of facilities in its right-of-way.

History.—s. 1, ch. 93-240; s. 1, ch. 97-306; s. 1, ch. 2002-234; s. 1, ch. 2006-138; s. 1, ch. 2010-100.

556.102 Definitions.—As used in this act:

(1) “Business days” means Monday through Friday, excluding the following holidays: New Year’s Day, Birthday of Dr. Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the following Friday, Christmas Eve, and Christmas Day. Any such holiday that falls on a Saturday shall be observed on the preceding Friday. Any such holiday that falls on a Sunday shall be observed on the following Monday.

(2) “Business hours” means the hours of a day during which the system is open for business.

(3) “Damage” means any impact upon or contact with, including, without limitation, penetrating, striking, scraping, displacing, or denting, however slight, the protective coating, housing, or other protective devices of any underground facility, or the removal or weakening of any lateral or vertical support from any underground facility, or the severance, partial or complete, of any underground facility.

(4) “Demolish” or “demolition” means any operation by which a structure or mass of material is wrecked, razed, rended, moved, or removed by means of any tool, equipment, or discharge of explosives, or any disturbance of the earth in any manner on public or private lands which could damage any underground facility.

(5) “Design services” means services that may be provided by a member operator to a design engineer, architect, surveyor, or planner, if the presence of underground facilities is known to a member operator, upon payment of a fee to the member operator, which services may be based on:

(a) Information obtained solely from a review of utility records.

(b) Information to augment utility records, such as topographic surveying of above-ground utility features.

(c) Information obtained through the use of designating technologies to obtain horizontal underground facility locations.

(d) Information obtained from physically exposing underground facilities.

(6) “Excavate” or “excavation” means any manmade cut, cavity, trench, or depression in the earth’s surface, formed by removal of earth, intended to change the grade or level of land, or intended to penetrate or disturb the surface of the earth, including land beneath the waters of the state, as defined in s. 373.019(22), and the term includes pipe bursting

and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenchless technologies.

(7) “Excavator” or “excavating contractor” means any person performing excavation or demolition operations.

(8) “High-priority subsurface installation” means an underground gas transmission or gas distribution pipeline, or an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid, such as anhydrous ammonia or carbon dioxide, if the pipeline is deemed to be critical by the operator of the pipeline and is identified as a high-priority subsurface installation to an excavator who has provided a notice of intent to excavate under s. 556.105(1), or would have been identified as a high-priority subsurface installation except for the excavator’s failure to give proper notice of intent to excavate.

(9) “Incident” means an event that involves damage to a high-priority subsurface installation that has been identified as such by the operator according to the notification procedures set forth in s. 556.116(1) and that:

(a) Results in death or serious bodily injury requiring inpatient hospitalization.

(b) Results in property damage, including service-restoration costs, in an amount in excess of \$50,000 or an interruption of service to 2,500 or more customers.

(10) “Member operator” means any person who furnishes or transports materials or services by means of an underground facility.

(11) “Permanent marker” means a clearly visible indication of the approximate location of an underground facility which is made of material that is durable in nature and which is reasonably expected to remain in position for the life of the underground facility.

(12) “Person” means any individual, firm, joint venture, partnership, corporation, association, municipality, or other political subdivision, governmental unit, department, or agency, and includes any trustee, receiver, assignee, or personal representative of a person.

(13) “Positive response” means the communications among member operators, excavators, and the system concerning the status of locating an underground facility.

(14) “Premark” means to delineate the general scope of the excavation on the surface of the ground using white paint, white stakes, or other similar white markings.

(15) “Tolerance zone” means 24 inches from the outer edge of either side of the exterior surface of a marked underground facility.

(16) “Underground facility” means any public or private personal property which is buried, placed below ground, or submerged on any member operator’s right-of-way, easement, or permitted use which is being used or will be used in connection with the storage or conveyance of water; sewage; electronic, telephonic, or telegraphic communication; electric energy; oil; petroleum products; natural gas; optical signals; or other substances, and includes, but is not limited to, pipelines, pipes, sewers, conduits, cables, valves, and lines. For purposes of this act, a liquefied petroleum gas line regulated under chapter 527 is not an underground facility unless such line is subject to the requirements of Title 49 C.F.R. adopted by the Department of Agriculture and Consumer Services, provided there is no encroachment on any member operator’s right-of-way, easement, or permitted use. Petroleum storage systems subject to regulation pursuant to chapter 376 are not considered underground facilities for the purposes of this act unless the storage system is located on a member operator’s right-of-way or easement. Storm drainage systems are not considered underground facilities.

(17) “System” means a free-access notification system established by the corporation as provided in this act.

History.—s. 2, ch. 93-240; s. 2, ch. 94-132; s. 5, ch. 95-317; s. 2, ch. 97-306; s. 2, ch. 2002-234; s. 67, ch. 2006-1; s. 2, ch. 2006-138; s. 7, ch. 2012-150; s. 2, ch. 2020-137; s. 42, ch. 2021-51.

556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.—

(1) The “Sunshine State One-Call of Florida, Inc.,” is created as a not-for-profit corporation. Each operator of an underground facility in this state shall be a member of the corporation and shall use and participate in the system. The corporation shall administer the provisions of this chapter. The corporation shall exercise its powers through a board of directors established pursuant to this section.

(2) The membership of the corporation shall elect a board of directors to administer the system.

(3) The corporation, through the board of directors, shall have the authority to assess the member operators to fund the system.

(4) The board of directors shall file with the Governor, not later than 60 days before the convening of each regular session of the Legislature, an annual progress report on the operation of the system, which must include a summary of the reports to the system from the clerks of court.

(5) The board of directors shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Governor, not later than 60 days before the convening of each regular session of the Legislature, an annual progress report on the participation by municipalities and counties in the one-call notification system created by this chapter. The report must include a summary of the reports to the system from the clerks of court, a summary of the damage reporting data received by the system under s. 556.105(12) for the preceding year, and any analysis of the data by the board of directors.

History.—s. 3, ch. 93-240; s. 3, ch. 97-306; s. 3, ch. 2006-138; s. 2, ch. 2010-100; s. 1, ch. 2017-102.

556.104 Free-access notification system.—The corporation shall maintain a free-access notification system. Any person who furnishes or transports materials or services by means of an underground facility in this state shall participate as a member operator of the system. The purpose of the system is to receive notification of planned excavation or demolition activities and to notify member operators of the planned excavation or demolition activities. The system shall provide a single toll-free telephone number within this state which excavators can use to notify member operators of planned excavation or demolition activities, and the system may also provide additional modes of access at no cost to the user.

History.—s. 4, ch. 93-240; s. 4, ch. 97-306; s. 3, ch. 2002-234; s. 4, ch. 2006-138.

556.105 Procedures.—

(1)(a) Not less than 2 full business days before beginning any excavation or demolition that is not beneath the waters of the state, and not less than 10 full business days before beginning any excavation or demolition that is beneath the waters of the state, an excavator shall provide the following information through the system:

1. The name of the individual who provided notification and the name, address, including the street address, city, state, zip code, and telephone number of her or his employer.
2. The name and telephone number of the representative for the excavator, and a valid electronic address to facilitate a positive response by the system should be provided, if available.
3. The county, the city or closest city, and the street address or the closest street, road, or intersection to the location where the excavation or demolition is to be performed, and the construction limits of the excavation or demolition.
4. The commencement date and anticipated duration of the excavation or demolition.

5. Whether machinery will be used for the excavation or demolition.
6. The person or entity for whom the work is to be done.
7. The type of work to be done.
8. The approximate depth of the excavation.

(b) The excavator shall provide the information by notifying the system through its free-access notification system during business hours, as determined by the corporation, or by such other method as authorized by the corporation. Any notification received by the system at any time other than during business hours shall be considered to be received at the beginning of the next business day.

(c) Information provided by an excavator is valid for 30 calendar days after the date such information is provided to the system. In computing the period for which information furnished is valid, the date the notice is provided is not counted, but the last day of the period shall be counted unless it is a Saturday, Sunday, or a legal holiday, in which event, the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

(d) Member operators shall use the information provided to the system by other member operators only for the purposes stated in this chapter and not for sales or marketing purposes.

(2) Each notification by means of the system shall be recorded to document compliance with this chapter. Such record may be made by means of electronic, mechanical, or any other method of all incoming and outgoing wire and oral communications concerning location requests in compliance with chapter 934. The records shall be kept for 5 years and, upon written request, shall be available to the excavator making the request, the member operator intended to receive the request, and their agents. However, custody of the records may not be transferred from the system except under subpoena.

(3) The system shall provide the person who provided notification with the names of the member operators who shall be advised of the notification and a notification number that specifies the date and time of the notification.

(4) The notification number provided to the excavator under this section shall be provided to any law enforcement officer, government code inspector, or code enforcement officer upon request.

(5) All member operators within the defined area of a proposed excavation or demolition shall be promptly notified through the system, except that member operators with state-

owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate the facilities.

(a) If a member operator determines that a proposed excavation or demolition is in proximity to or in conflict with an underground facility of the member operator, except a facility beneath the waters of the state, which is governed by paragraph (b), the member operator shall identify the horizontal route by marking to within 24 inches from the outer edge of either side of the underground facility by the use of stakes, paint, flags, or other suitable means within 2 full business days after the time the notification is received under subsection (1). If the member operator is unable to respond within such time, the member operator shall communicate with the person making the request and negotiate a new schedule and time that is agreeable to, and should not unreasonably delay, the excavator.

(b) If a member operator determines that a proposed excavation is in proximity to or in conflict with an underground facility of the member operator beneath the waters of the state, the member operator shall identify the estimated horizontal route of the underground facility, within 10 business days, using marking buoys or other suitable devices, unless directed otherwise by an agency having jurisdiction over the waters of the state under which the member operator's underground facility is located.

(c) When excavation is to take place within a tolerance zone, an excavator shall use increased caution to protect underground facilities. The protection requires hand digging, pot holing, soft digging, vacuum excavation methods, or other similar procedures to identify underground facilities. Any use of mechanized equipment within the tolerance zone must be supervised by the excavator.

(6)(a) An excavator shall avoid excavation in the area described in the notice given under subsection (1) until each member operator underground facility has been marked and located or until the excavator has been notified that no member operator has underground facilities in the area described in the notice, or for the time allowed for markings set forth in paragraphs (5)(a) and (b), whichever occurs first. If a member operator has not located and marked its underground facilities within the time allowed for marking set forth in paragraphs (5)(a) and (b), the excavator may proceed with the excavation, if the excavator does so with reasonable care and if detection equipment or other acceptable means to locate underground facilities are used.

(b) An excavator may not demolish in the area described in the notice given under subsection (1) until all member operator underground facilities have been marked and located or removed.

(7)(a) A member operator that states that it does not have accurate information concerning the exact location of its underground facilities is exempt from the requirements of paragraphs (5)(a) and (b), but shall provide the best available information to the excavator in order to comply with the requirements of this section. An excavator is not liable for any damage to an underground facility under the exemption in this subsection if the excavation or demolition is performed with reasonable care and detection equipment or other acceptable means to locate underground facilities are used.

(b) A member operator may not exercise the exemption provided by this subsection if the member operator has underground facilities that have not been taken out of service and that are locatable using available designating technologies to locate underground facilities.

(8)(a) If extraordinary circumstances exist, a member operator shall notify the system of the member operator's inability to comply with this section. For the purposes of this section, the term "extraordinary circumstances" means circumstances other than normal operating conditions that exist and make it impractical for a member operator to comply with this chapter. After the system has received notification of a member operator's inability to comply, the system shall make that information known to excavators who subsequently notify the system of an intent to excavate. The member operator is relieved of responsibility for compliance under the law during the period that the extraordinary circumstances exist and shall promptly notify the system when the extraordinary circumstances cease to exist.

(b) During the period when extraordinary circumstances exist, the system shall remain available during business hours to provide information to governmental agencies, member operators affected by the extraordinary circumstances, and member operators who can provide relief to the affected parties, unless the system itself has been adversely affected by extraordinary circumstances.

(9)(a) After receiving notification from the system, a member operator shall provide a positive response to the system within 2 full business days, or 10 such days for an underwater excavation or demolition, indicating the status of operations to protect the facility.

(b) The system shall establish and maintain a process to facilitate a positive-response communication between member operators and excavators. The system is exempt from any requirement to initiate a positive response to an excavator when an excavator does not provide a valid electronic address to facilitate a positive response by the system.

(c) An excavator shall verify the system's positive responses before beginning excavation. If an excavator knows that an existing underground facility of a member operator is in the

area, the excavator must contact the member operator if the facility is not marked and a positive response has not been received by the system.

(10) A member operator shall use the “Uniform Color Code for Utilities” of the American Public Works Association when marking the horizontal route of any underground facility of the operator.

(11) Before or during excavation or demolition, if the marking of the horizontal route of any facility is removed or is no longer visible, or, in the case of an underwater facility, is inadequately documented, the excavator shall stop excavation or demolition activities in the vicinity of the facility and shall notify the system to have the route remarked or adequately documented by a member operator or in a manner approved by the member operator.

(12)(a) If any contact with or damage to any pipe, cable or its protective covering, or any other underground facility occurs, the excavator causing the contact or damage shall immediately notify the member operator. If contact with or damage to an underground pipe or any other underground facility results in the escape of any natural gas or other hazardous substance or material regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation, the excavator must immediately report the contact or damage by calling the 911 emergency telephone number. Upon receiving notice, the member operator shall send personnel to the location as soon as possible to effect temporary or permanent repair of the contact or damage. Until such time as the contact or damage has been repaired, the excavator shall cease excavation or demolition activities that may cause further damage to such underground facility.

(b) If an event damages any pipe, cable or its protective covering, or other underground facility, the member operator receiving the notice shall file a report with the system. Reports must be submitted annually to the system, no later than March 31 for the prior calendar year, or more frequently at the option and sole discretion of the member operator. Each report must describe, if known, the cause, nature, and location of the damage. The system shall establish and maintain a process to facilitate submission of reports by member operators.

(13) Any costs or expenses associated with compliance by an excavator with the requirements in this section applicable to excavators shall not be charged to any member operator. Any costs or expenses associated with compliance by a member operator with the requirements in this section applicable to member operators shall not be charged to any excavator. No person shall charge the costs or expenses prohibited by this subsection

after the effective date of this act. This subsection shall not excuse a member operator or excavator from liability for any damage or injury for which it would be responsible under applicable law.

History.—s. 5, ch. 93-240; s. 1, ch. 96-172; s. 1176, ch. 97-103; s. 5, ch. 97-306; s. 4, ch. 2002-234; s. 5, ch. 2006-138; s. 1, ch. 2008-230; s. 115, ch. 2010-5; s. 3, ch. 2010-100; s. 2, ch. 2017-102.

556.106 Liability of the member operator, excavator, and system.—

(1) There is no liability on the part of, and no cause of action of any nature shall arise against, the board members of the corporation in their capacity as administrators of the system.

(2)(a) If a person violates s. 556.105(1) or (6), and subsequently, whether by himself or herself or through the person's employees, contractors, subcontractors, or agents, performs an excavation or demolition that damages an underground facility of a member operator, it is rebuttably presumed that the person was negligent. The person, if found liable, is liable for the total sum of the losses to all member operators involved as those costs are normally computed. Any damage for loss of revenue and loss of use may not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator whose revenues are used to support payments on principal and interest on bonds may not be limited.

(b) If any excavator fails to discharge a duty imposed by this chapter, the excavator, if found liable, is liable for the total sum of the losses to all parties involved as those costs are normally computed. Any damage for loss of revenue and loss of use may not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator whose revenues are used to support payments on principal and interest on bonds may not be limited.

(c) Obtaining information as to the location of an underground facility from the member operator as required by this chapter does not excuse any excavator from performing an excavation or demolition in a careful and prudent manner, based on accepted engineering and construction practices, and it does not excuse the excavator from liability for any damage or injury resulting from any excavation or demolition.

(3) If, after receiving proper notice, a member operator fails to discharge a duty imposed by this act and an underground facility of a member operator is damaged by an excavator who has complied with this act, as a proximate result of the member operator's failure to discharge such duty, the excavator is not liable for such damage and the member operator, if found liable, is liable to such person for the total cost of any loss or injury to any person or

damage to equipment resulting from the member operator's failure to comply with this act. Any damage for loss of revenue and loss of use shall not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator, which revenues are used to support payments on principal and interest on bonds, shall not be limited.

(4) If an owner of an underground facility fails to become a member of the corporation in order to use and participate in the system, as required by this act, and that failure is a cause of damage to that underground facility caused by an excavator who has complied with this act and has exercised reasonable care in the performance of the excavation that has caused damage to the underground facility, the owner has no right of recovery against the excavator for the damage to that underground facility.

(5) If, after receiving proper notification, the system fails to discharge its duties, resulting in damage to an underground facility, the system, if found liable, shall be liable to all parties, as defined in this act. Any damage for loss of revenue and loss of use shall not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator, which revenues are used to support payments on principal and interest on bonds, shall not be limited.

(6) The system does not have a duty to mark or locate underground facilities and may not do so, and a right of recovery does not exist against the system for failing to mark or locate underground facilities. The system is not liable for the failure of a member operator to comply with the requirements of this chapter.

(7) An excavator or a member operator who performs any excavation with hand tools under s. 556.108(4)(c) or (5) is liable for any damage to any operator's underground facilities damaged during such excavation.

(8) Any liability of the state, its agencies, or its subdivisions which arises out of this chapter is subject to the provisions of s. 768.28.

History.—s. 6, ch. 93-240; s. 810, ch. 97-103; s. 1, ch. 97-231; s. 6, ch. 97-306; s. 5, ch. 2002-234; s. 6, ch. 2006-138; s. 4, ch. 2010-100.

556.107 Violations.—

(1) NONCRIMINAL INFRACTIONS.—

(a)1. Violations of the following provisions are noncriminal infractions:

- a. Section 556.105(1), relating to providing required information.
- b. Section 556.105(5)(c), relating to excavation practices in tolerance zones.

- c. Section 556.105(6), relating to the avoidance of excavation.
 - d. Section 556.105(11), relating to the need to stop excavation or demolition because marks are no longer visible, or, in the case of underwater facilities, are inadequately documented.
 - e. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.
 - f. Section 556.105(5)(a) and (b), relating to identification of underground facilities, if a member operator does not mark an underground facility, but not if a member operator marks an underground facility incorrectly.
 - g. Section 556.109(2), relating to falsely notifying the system of an emergency situation or condition.
 - h. Section 556.114(1), (2), (3), and (4), relating to a failure to follow low-impact marking practices, as defined therein.
2. Violations of the following provisions involving an underground facility transporting hazardous materials that are regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation are noncriminal infractions, subject to enhanced civil penalties under paragraph (c):
- a. Section 556.105(1), relating to providing required information.
 - b. Section 556.105(5)(c), relating to excavation practices in tolerance zones.
 - c. Section 556.105(6), relating to the avoidance of certain excavation.
 - d. Section 556.105(11), relating to the need to stop excavation or demolition because certain marks are removed, no longer visible, or inadequately documented.
 - e. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.
- (b) Any excavator or member operator who commits a noncriminal infraction under paragraph (a) may be issued a citation by the State Fire Marshal or his or her agents as provided in ss. 633.114 and 633.116; the fire chief of the special district, municipality, or county; or any local or state law enforcement officer, government code inspector, or code enforcement officer, and the issuer of a citation may require an excavator to cease work on any excavation or not start a proposed excavation until there has been compliance with the provisions of this chapter. Citations shall be hand delivered to any employee of the

excavator or member operator who is involved in the noncriminal infraction. The citation shall be issued in the name of the excavator or member operator, whichever is applicable.

(c)1. Any excavator or member operator who commits a noncriminal infraction under subparagraph (a)1. may be required to pay a civil penalty of \$500 plus court costs for each infraction. If a citation is issued, 80 percent of the civil penalty collected by the clerk of the court must be distributed to the governmental entity whose employee issued the citation and 20 percent of the penalty must be retained by the clerk, in addition to any court costs.

2. Any excavator or member operator who commits a noncriminal infraction under subparagraph (a)2. may be required to pay an enhanced civil penalty of \$2,500 plus court costs for each infraction. If a citation is issued, 80 percent of the civil penalty collected by the clerk of the court must be distributed to the governmental entity whose employee issued the citation and 20 percent must be retained by the clerk in addition to any court costs.

3. Any person who willfully fails to properly respond to a citation issued under paragraph (b) shall, in addition to the citation, be charged with the offense of failing to respond to the citation and, upon conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect must be provided at the time a citation is issued under paragraph (b).

(d) Any person cited for an infraction under paragraph (a) or s. 556.116(2)(c) may post a bond, which must be equal in amount to the applicable civil penalty plus any additional court costs.

(e) A person charged with a noncriminal infraction under paragraph (a) or s. 556.116(2)(c) may pay the applicable civil penalty plus the additional court costs, by mail or in person, within 30 days after the date of receiving the citation. If the person cited pays the civil penalty, she or he is deemed to have admitted to committing the infraction and to have waived the right to a hearing on the issue of commission of the infraction. The admission may be used as evidence in any other proceeding under this chapter.

(f) Any person may elect to have a hearing on the commission of the infraction before the county court. A person who elects to have a hearing waives the limitations on the civil penalties specified in paragraph (c). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the court may impose a penalty not to exceed the applicable civil penalty plus court costs for each infraction. In determining the amount of the civil penalty, the court may consider previous noncriminal infractions committed.

(g) At a court hearing under this chapter, the commission of a charged infraction must be proven by a preponderance of the evidence.

(h) If the court finds that a person committed an infraction, the person may appeal that finding or the amount of the civil penalties imposed to the circuit court.

(i) Sunshine State One-Call of Florida, Inc., may, at its own cost, retain an attorney to assist in the presentation of relevant facts and law in the county court proceeding pertaining to the citation issued under this section. The corporation may also appear in any case appealed to the circuit court if a county court judge finds that an infraction of the chapter was committed. An appellant in the court proceeding shall timely notify the corporation of any appeal under this section.

(2) **REPORT OF INFRACTIONS.**—By March 31 of each year, each clerk of court shall submit a report to the State Fire Marshal and Sunshine State One-Call of Florida, Inc., listing each citation issued for a violation under paragraph (1)(a) and s. 556.116(2)(c) which has been filed in that county during the preceding calendar year. The report must state the name and address of the member or excavator who committed each infraction, the enforcement authority, the specific statutory infraction, and the type of underground facility related to the infraction and must indicate whether or not the civil penalty for the infraction was paid.

(3) **MISDEMEANORS.**—

(a) Any person who knowingly and willfully removes or otherwise destroys the valid stakes or other valid physical markings described in s. 556.105(5)(a) and (b) used to mark the horizontal route of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, stakes or other nonpermanent physical markings are considered valid for 30 calendar days after information is provided to the system under s. 556.105(1)(a).

(b) Any person who knowingly and willfully removes or damages a permanent marker placed to identify the approximate location of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 7, ch. 93-240; s. 2, ch. 96-172; s. 1177, ch. 97-103; s. 6, ch. 2002-234; s. 7, ch. 2006-138; s. 5, ch. 2010-100; s. 3, ch. 2017-102; s. 3, ch. 2020-137.

556.108 Exemptions.—The notification requirements provided in s. 556.105(1) do not apply to:

(1) Any excavation or demolition performed by the owner of a single-family residential property, not including property that is subdivided or is to be subdivided into more than one

single-family residential property; or for such owner by a member operator or an agent of a member operator when such excavation or demolition is made entirely on such land, and only up to a depth of 10 inches; provided due care is used and there is no encroachment on any member operator's right-of-way, easement, or permitted use.

(2) Any excavation or demolition associated with normal agricultural or railroad activities, provided such activities are not performed on any operator's marked right-of-way, easement, or permitted use.

(3) Any excavation or demolition that occurs as the result of normal industrial activities, provided such activities are confined to the immediate secured property of the facility and the activities are not performed on any operator's marked right-of-way, easement, or permitted use. For the purposes of this act, the industrial activities are limited to the following list of Standard Industrial Classifications: Industry Group Numbers 141, 206, 242, 243, and 491, and Major Group Numbers 13, 26, 28, and 29, as published by the United States Office of Management and Budget in 1987.

(4) Any excavation of 18 inches or less for:

(a) Surveying public or private property by surveyors or mappers as defined in chapter 472 and services performed by a pest control licensee under chapter 482, excluding marked rights-of-way, marked easements, or permitted uses where marked, if mechanized equipment is not used in the process of such surveying or pest control services and the surveying or pest control services are performed in accordance with the practice rules established under s. 472.027 or s. 482.051, respectively;

(b) Maintenance activities performed by a state agency and its employees when such activities are within the right-of-way of a public road; however, if a member operator has permanently marked facilities on such right-of-way, mechanized equipment may not be used without first providing notification; or

(c) Locating, repairing, connecting, adjusting, or routine maintenance of a private or public underground utility facility by an excavator, if the excavator is performing such work for the current owner or future owner of the underground facility and if mechanized equipment is not used.

(5)(a) Any excavation with hand tools by a member operator or an agent of a member operator for:

1. Locating, repairing, connecting, or protecting, or routine maintenance of, the member operator's underground facilities; or

2. The extension of a member operator's underground facilities onto the property of a person to be served by such facilities.

(b) The exemption provided in this subsection is limited to excavations to a depth of 30 inches if the right-of-way has permanently marked facilities of a company other than the member operator or its agents performing the excavation.

History.—s. 8, ch. 93-240; s. 3, ch. 94-132; s. 3, ch. 96-172; s. 2, ch. 97-231; s. 39, ch. 2000-164; s. 8, ch. 2006-138.

556.109 Emergency excavations or demolitions attempted; exception.—

(1) This act does not apply to making an excavation or demolition during an emergency if the system or the member operator was notified at the earliest opportunity and all reasonable precautions had been taken to protect any underground facility. For the purposes of this act, “emergency” means any condition constituting a clear and present danger to life or property; a situation caused by the escape of any substance transported by means of an underground facility; any interruption of vital public service or communication caused by any break or defect in a member operator's underground facility; or, in the case of the State Highway System or streets or roads maintained by a political subdivision or underground facilities owned, operated, or maintained by a political subdivision, if the use of such highways, streets, roads, or underground facilities is, in the sole judgment of the Department of Highway Safety and Motor Vehicles, the Department of Transportation, or such political subdivision, impaired by an unforeseen occurrence that necessitates repair beginning immediately after such occurrence.

(2) An excavator shall not notify the system that there is an emergency unless the excavator reasonably believes that the intended excavation or demolition is due to a situation or condition as defined in subsection (1).

History.—s. 9, ch. 93-240; s. 4, ch. 96-172; s. 6, ch. 2010-100.

556.110 Costs assessed among member operators.—Member operators shall proportionately share in the cost of operating the system through monthly assessments made upon each member operator.

History.—s. 10, ch. 93-240; s. 7, ch. 97-306; s. 7, ch. 2010-100.

556.111 Applicability to existing law.—Nothing in this act shall be construed to:

(1) Constitute the establishment or enlargement of any rights to the use of real property or create an interest therein for the placement, construction, repair, maintenance, relocation, or excavation or demolition of any underground facility;

(2) Waive any right of a party having an interest in real property to charge any fee for the use regarding such property; or

(3) Preempt a governmental member operator from reasonable regulation of its right-of-way. This subsection does not exempt a municipality, county, district, or other local governmental member operator from the provisions of this chapter that apply to the member operator.

History.—s. 11, ch. 93-240; s. 9, ch. 2006-138.

556.112 Design services.—

(1) Each member operator shall provide to the system annually, and shall thereafter keep current, the contact names and telephone numbers of individuals who may be contacted by design engineers, architects, surveyors, and planners for the purpose of responding to requests for design services.

(2) Each member operator shall provide to the system annually, and shall thereafter keep current, a list of fees applicable to each type of design service that each member operator chooses to offer to design engineers, architects, surveyors, and planners.

(3) Each member operator, within 20 business days after receipt of the fee provided for in subsection (2), shall either respond to a request for design services, if the member operator chooses to provide the services requested, or shall notify the party requesting services that the services will not be provided.

(4) This section shall not apply to any state agency, municipality, or county, or contractors, consultants, agents, or persons or firms acting under their authority, in the planning, preparing, or performance of work in their right-of-way. This section shall not limit or expand any existing law governing the process a state agency, municipality, or county uses to request design services from member operators or the responsibility for providing or paying for such services.

History.—s. 7, ch. 2002-234; s. 108, ch. 2005-2.

556.113 Sunshine State One-Call of Florida, Inc.; public records exemption.—

(1) As used in this section, the term “proprietary confidential business information” means information provided by:

(a) A member operator which is a map, plan, facility location diagram, internal damage investigation report or analysis, dispatch methodology, or trade secret as defined in s. 688.002, or which describes the exact location of a utility underground facility or the protection, repair, or restoration thereof, and:

1. Is intended to be and is treated by the member operator as confidential;
2. The disclosure of which would likely be used by a competitor to harm the business interests of the member operator or could be used for the purpose of inflicting damage on underground facilities; and
3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(b) An excavator in an internal damage investigation report or analysis relating to damage to underground utility facilities, and:

1. Is intended to be and is treated by the excavator as confidential;
2. The disclosure of which would be reasonably likely to be used by a competitor to harm the business interests of the excavator or could be used for the purpose of inflicting damage on underground facilities; and
3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(2) Proprietary confidential business information held by Sunshine State One-Call of Florida, Inc., for the purpose of describing the extent and root cause of damage to an underground facility or using the member ticket management software system is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

History.—s. 1, ch. 2007-101; s. 1, ch. 2012-221.

556.114 Low-impact marking practices.—

(1) An excavator providing notice under s. 556.105(1)(a) shall identify in its notice only the area that will be excavated during the period that the information in such notice is considered valid under s. 556.105(1)(c).

(2) When an excavator has not completed an excavation noticed under s. 556.105(1)(a) within the period that the information in the notice is considered valid under s. 556.105(1)(c), the excavator must provide a subsequent notice to the system under s. 556.105(1)(a) to continue with the excavation, and such subsequent notice shall identify only the remaining area to be excavated.

(3) When an excavation site cannot be described in information provided under s. 556.105(1)(a) with sufficient particularity to enable the member operator to ascertain the

excavation site, and if the excavator and member operator have not mutually agreed otherwise, the excavator shall premark the proposed area of the excavation before a member operator is required to identify the horizontal route of its underground facilities in the proximity of any excavation. However, premarking is not required when the premarking could reasonably interfere with traffic or pedestrian control.

(4) A member operator shall identify the horizontal route of its underground facilities as set forth in s. 556.105(5)(a) and (b), and excavators shall premark an excavation site as set forth in subsection (3) using flags or stakes or temporary, nonpermanent paint or other industry-accepted low-impact marking practices.

(5) Any horizontal route-identification marker must be in a color identified in the Uniform Color Code for Utilities.

(6) Sunshine State One-Call of Florida, Inc., shall establish an educational program for the purpose of informing excavators and member operators about low-impact marking practices.

History.—s. 8, ch. 2010-100.

556.115 Alternative dispute resolution.—

(1) Sunshine State One-Call of Florida, Inc., shall create a voluntary alternative dispute resolution program. The program shall be available to all member operators, excavators, and other stakeholders, such as locators, utility service users, and governmental or quasi-governmental entities, for purposes of resolving disputes arising from excavation activities, including, but not limited to, loss of services, down time, delays, loss of use of facilities during restoration or replacement, and similar economic disruptions, exclusive of penalties imposed under other provisions of this act.

(2) The alternative dispute resolution program created by Sunshine State One-Call of Florida, Inc., shall include mediation, arbitration, or other appropriate processes, including the use of the services of the Division of Administrative Hearings.

(3) The costs of using the program shall be borne by the voluntary users, and the voluntary users shall choose the form of alternative dispute resolution to be used. If arbitration is used, the users shall decide whether the arbitration will be binding.

(4) Unless binding arbitration is the chosen method of alternative dispute resolution, the users or any one of such users may end the process at any time and exercise the right to proceed in a court of competent jurisdiction or before the Division of Administrative Hearings.

(5) This section does not change the basis for civil liability for damages.

History.—s. 9, ch. 2010-100.

556.116 High-priority subsurface installations; special procedures.—

(1) When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation. If the member operator provides such timely notice of the existence of a high-priority subsurface installation, an excavator shall notify the operator of the planned excavation start date and time before beginning excavation. If the member operator does not provide timely notice, the excavator may proceed, after waiting the prescribed time period set forth in s. 556.105(9)(a), to excavate without notifying the member operator of the excavation start date and time. The exemptions stated in s. 556.108 apply to the notification requirements in this subsection.

(2)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system and the State Fire Marshal by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident.

(b) Upon receipt of an allegation that an incident has occurred, the member operator or excavator shall transmit an incident report to the State Fire Marshal, who shall conduct an investigation to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident. The State Fire Marshal may authorize his or her agents, as provided in ss. 633.114, 633.116, and 633.118, to conduct investigations of incidents.

(c) The State Fire Marshal or his or her agents as provided in ss. 633.114, 633.116, and 633.118 may issue a citation and impose a civil penalty against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000.

(d) The civil penalty imposed under this subsection is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).

(e) If an additional civil penalty is imposed by the State Fire Marshal or his or her agents, 5 percent of the civil penalty must be retained by the clerk to cover administrative costs, and

the remainder of the civil penalty must be distributed equally between the system and the State Fire Marshal. The portion of the civil penalty distributed to the system must be used exclusively to fund damage-prevention education. The portion of the civil penalty distributed to the State Fire Marshal must be used exclusively to fund programs created within the State Fire Marshal's office that provide need-based financial assistance to help fire departments, including volunteer fire departments, procure equipment, supplies, and educational training designed to mitigate firefighter exposure to hazardous, cancer-causing chemicals.

(f) Any excavator or member operator who commits a noncriminal infraction under paragraph (2)(c) must be provided a written warning at the time a citation is issued stating that any person who willfully fails to properly respond to a citation will be charged, in addition to the citation, with the offense of failing to respond to the citation and, if convicted, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) This section does not change the basis for civil liability. The findings and results of an investigation under this section may not be used as evidence of liability in any civil action.

History.—s. 10, ch. 2010-100; s. 126, ch. 2013-18; s. 4, ch. 2020-137.

556.117 Underground facility damage prevention and enforcement review.—

Sunshine State One-Call of Florida, Inc., shall review the reports submitted by the clerks of court to the State Fire Marshal and any complaints of an alleged violation under this chapter to identify issues or potential issues with damage prevention and enforcement. The corporation shall identify areas in the state where additional education related to damage prevention and enforcement is needed and shall recommend solutions to remedy issues related to damage prevention and enforcement. The corporation shall, by October 1 of each year, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an analysis of its reviews and any recommendations for improving underground facility damage prevention and enforcement.

History.—s. 5, ch. 2020-137.



Information Requested on Locate and Design Tickets

Below are brief explanations of the information you will be required to provide when requesting locate or design tickets. The information is listed in the order it will be requested.

Excavation Information

Phone Number and Extension – Method to contact excavators and retrieve SSOCOF data.

Company Name/Address/City/State/Zip – Method to contact excavators.

Caller's Name – Validates who placed the call for the notice. It is also helpful in the event additional information is necessary.

Email Address – Allows the excavator to receive an automatic update from the positive response system and gives members another way to contact the excavator. Excavators can also elect to have copies of your tickets sent to this address for easy record retrieval at a later date.

Fax – Method to contact excavators.

Call Back – Establishes times when an excavator is available.

Mobile – Method to contact excavators.

Field Contact/phone/fax/pager/mobile/email – Method to contact excavator in the field.

Working For – The person or company for whom the work is being done.

Work Type – The type of work to be done at the job site.

Work Information

Depth – Approximate depth of the excavation.

Using Machinery – A yes or no answer indicates whether machinery will be used during the job.

White Lining – A yes, no or unknown answer indicates whether the area to be marked is outlined with white marks.

Directional Drilling – A yes, no or unknown answer indicates whether directional drilling will be done.

Permit Needed – This is not a requirement on all excavations, but is asked as a courtesy to SSOCOF members.

Underwater Excavation – A yes or no answer indicates whether all or part of the job site is underwater.

Duration – Anticipated time excavation or demolition will last.

Damaged Facility – A yes or no answer to this question indicates the excavation is being done as a result of a prior damage.

Date Field

Start/Work Date – Date excavation or demolition will begin.

Due Date – 11:59 p.m. on the second or tenth business day.

Excavation Site Properties

Dig Site Type – Clarifies whether the excavation will take place at one physical address, multiple addresses, an intersection or between intersections.

County/Place – Identifies where the job site is located. ***Street names may be duplicated from county to county so it is imperative that the correct county is used.*** Work outside Florida should be referred directly to facility owners or the one-call system responsible for that state.

Address – Physical address if excavation is taking place on a property. Please ensure you have the proper street name before contacting SSOCOF. Also use caution in identifying whether the address includes a street, avenue, boulevard, etc. If no physical address exists, provide detailed directions.

Street – Identifies where job site is located.

Near Street/Intersecting Street – The name of the street or intersecting street nearest the job site and if the near street is within a quarter mile of the job site.

Name of Subdivision/Lot Number – Identifies where job site is located.

Location Description – Identifies the specific portion of the job site that needs to be marked.

Remarks – Any additional information, comments or instructions to help members respond to the ticket including: 1) information that could prevent a locator from accessing the excavation site {i.e. locked gate or guard dog on property}; 2) an excavator's request to meet with a member; 3) township-section-range coordinates to further describe excavation site; 4) driving directions; 5) safety precautions; and 6) GPS coordinates.

Tips for Requesting Locate Tickets

The key to getting timely and accurate locates is to be as specific as possible on the locate ticket.

1. Know the jobsite and give an accurate description of where it is located. Addresses, street intersections, railroad tracks, references to natural landmarks and driving directions are helpful.
2. Use the locate description to pinpoint exactly where excavation or demolition will occur and the depth. Give detailed marking instructions and state whether premarking (white lining) was done. The following descriptions may help you complete your ticket.
 - a. Use north, south, east and west rather than left or right.
 - b. If the excavation is in the roadway, marking instructions could include:
 - i. Mark from curb to curb.
 - ii. Mark from the right-of-way to the right-of-way and/or to corresponding easements.
 - iii. Mark from the centerline of the road to the (north, south, east or west) (lot line, curb or right-of-way) and designate footage to the ending point.
3. If the excavation site information does not adequately describe where locates are needed, members may need additional information before locating their underground facilities. If so, the start date may be delayed until the required information is provided or white lining (pre-marking) has been done.
4. *If your office staff renews tickets, let them know when an ongoing project is complete so that tickets are no longer requested for that project.*

5. Always request your own locate ticket. Using another company's locate marks does not guarantee that their marks cover your entire excavation or demolition area.
6. Use the Remarks section on the locate ticket to notify locators when access to the job site is restricted.

Low Impact Marking Guidelines for Excavators

Excavators must follow the Low Impact Marking Guidelines in s.556.114, F.S., summarized below.

1. *Locate ticket requests should cover only those portions of a job site where excavation or demolition will occur within 30 calendar days of the date the ticket is requested.*
2. *When renewing tickets for jobs lasting longer than 30 calendar days, identify only the areas where excavation will occur (i.e. eliminate any areas where excavation or demolition is complete).*
3. Work sites that are difficult to explain should be pre-marked unless the excavator and member have mutually agreed otherwise.
4. Acceptable marking products for excavators to pre-mark a job site:
 - a. White flags
 - b. White stakes
 - c. White temporary, non-permanent paint
 - d. Other industry accepted low-impact marking practices

Note: Flags, stakes or other temporary markers made of biodegradable material could further goals of low impact marking but such products are not required by s.556.114(4), F.S.

**Know what's below.
Call before you dig.**

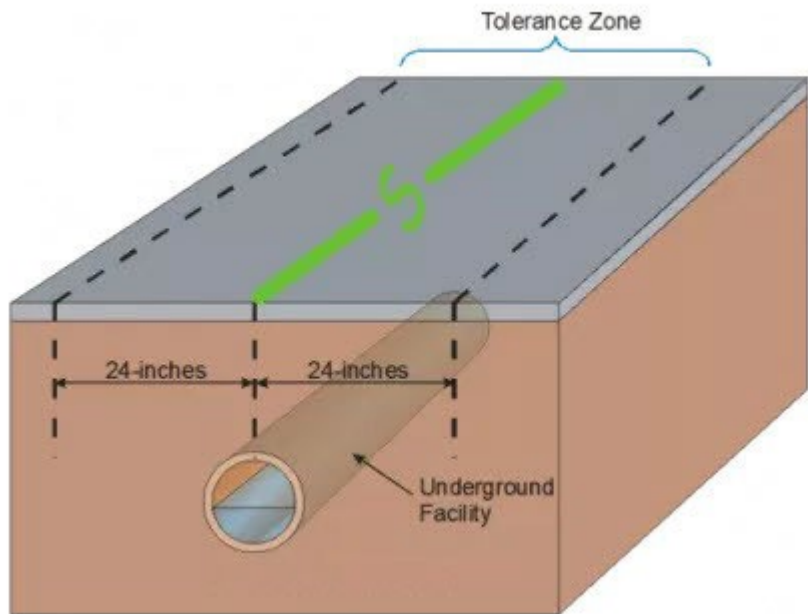


Sunshine State One Call

Utility Locate Process and Regulations

Florida Statute Chapter 556

Underground Facility Damage Prevention and Safety



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December 2, 2025

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The 2025 Florida Statutes

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REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS
UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY

CHAPTER 556

UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY

- 556.101 Short title; legislative intent.
- 556.102 Definitions.
- 556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.
- 556.104 Free-access notification system.
- 556.105 Procedures.
- 556.106 Liability of the member operator, excavator, and system.
- 556.107 Violations.
- 556.108 Exemptions.
- 556.109 Emergency excavations or demolitions attempted; exception.
- 556.110 Costs assessed among member operators.
- 556.111 Applicability to existing law.
- 556.112 Design services.
- 556.113 Sunshine State One-Call of Florida, Inc.; public records exemption.
- 556.114 Low-impact marking practices.
- 556.115 Alternative dispute resolution.
- 556.116 High-priority subsurface installations; special procedures.
- 556.117 Underground facility damage prevention and enforcement review.

**Safe digging
begins here.**

[CREATE A TICKET →](#)

How to Request a Locate Ticket

1. Internet Ticket Entry: Internet Ticket Entry (ITE) lets you request locate tickets anywhere there is Internet access.
2. Telephone: –Call 811 to request a locate ticket over the phone.
 - Locate tickets must be requested a minimum of two full business days before digging.
 - Because the One-Call accepts locate tickets 24 hours a day via Internet Ticket Entry (ITE), a business day is defined as 12 a.m. to 11:59 p.m.
 - Digging can begin earlier if all members have marked or cleared your excavation site before the waiting period of two full business days expires.
 - The ticket lists a Due Date and a Work Date. If the excavator does not provide a work date, it will automatically be assigned the Due Date.
 - DO NOT begin digging the morning of the Due Date because of the 11:59 p.m. time. If you begin digging before 11:59 p.m. on the Due Date, you will be in violation of Chapter 556.

Florida Statute Chapter 556.114

Low impact marking practices

APWA Color Codes for Marking Underground Facilities

ELECTRIC, POWER, LIGHTING	POTABLE WATER
COMMUNICATION	RECLAIMED WATER, IRRIGATION, SLURRY
GAS, OIL, STEAM, PETROL	TEMPORARY SURVEY MARKINGS
SEWER, DRAIN LINES	PROPOSED EXCAVATION

- Underground facilities have a 24" tolerance zone around the outer edge of either side of the exterior surface of the underground facility.
- The marks are approximate and the law requires increased caution when digging in the tolerance zone.
- Always compare the positive responses to what you see in the field.



Guidelines for Excavators

- Educational program on 811 Website
- <https://sunshine811.com>

Paint markings are to be water based and non- permanent. Type of paint and removal cannot be required by a municipality per Section 556.101(3)(d), F.S.

Summary

- Utility owners are required to respond to a locate ticket within 2 full business days.
- Town of Palm Beach Public Works performs locate requests in house
 - 3,500 locate tickets were issued to Public Works in 2025.
 - Right of Way and Utility Easements.
 - Stormwater, Sanitary Sewer, Street and Traffic Lights.
- Excavator is defined as the entity or owner performing an excavation.
 - New home construction/remodel.
 - Utility installation connection or repair.
 - Design services for construction as well.
- Paint markings are to be water based and non- permanent. Type of paint and removal cannot be required by a municipality per Section 556.101(3)(d), F.S.

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Carolyn Stone, Deputy Town Manager, Business Enterprise and Culture

From: Kirk W. Blouin, Town Manager

Re: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting a Donor Recognition and Signage Policy; providing for an effective date;
160-2025

Date: 11/14/2025

RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 160-2025 adopting the Town's *Donor Recognition and Signage Policy*.

BACKGROUND

At its November 2025 meeting, the Town Council reviewed a draft of the proposed *Donor Recognition and Signage Policy* and provided feedback regarding donation thresholds, signage design consistency, and the Council's role in approving naming rights. The attached final version incorporates those comments and is before the Town Council for approval via resolution at the December 14, 2025, meeting.

Key policy points include:

- Donations in excess of \$50,000 will go before the Town Council for approval.
- Donations under \$50,000 will not receive donor naming recognition.
- The Town's general Donations and Beautification Accounts will receive contributions that are not designated for a specific purpose.
- Naming rights expire at the end of the asset's useful life (which is determined by the Town).
- Naming rights not defined by a separate donor agreement will remain in place for ten (10) years.
- Town Council will consider public/private partnership fundraising efforts and will approve any associated donor signage plan.
- Town Council will approve all honorary and memorial signage.
- Only State historical markers or honorary designation markers may be placed in the right-of-way; donor recognition signage is not permitted
- Donations not eligible for naming rights (under \$50,000) will be acknowledged via

the Town's digital signage and website.

- Donor signage will be consistent with current Town designs (bronze plaques, Town Seal, appropriate sizing). Wording on donor plaques will be limited to simple acknowledgments such as “*Given by,*” “*Gifted by,*” or “*In Honor / In Memory of,*” followed by the donor and/ or foundation name. Sentimental or descriptive language beyond these phrases is not permitted.

FUNDING/FISCAL IMPACT

Adoption of the policy does not carry an immediate fiscal impact. However, future donations accepted under this framework may include costs associated with donor signage fabrication, installation, and maintenance, which will be managed within departmental budgets.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and policy.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Community Preservation

FUNDING

Donations

RESOLUTION NO. 160-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A DONOR RECOGNITION AND SIGNAGE POLICY; PROVIDING FOR AN EFFECTIVE DATE;

WHEREAS, the Town of Palm Beach desires to establish consistent standards and procedures for accepting donations and recognizing donors through signage, plaques, and naming rights within Town facilities, parks, and programs; and

WHEREAS, the Town Council recognizes the importance of transparency, stewardship, and fairness in the acceptance and acknowledgment of donor contributions, ensuring that such recognition aligns with the Town's architectural, aesthetic, and historical values; and

WHEREAS, the Town Council has reviewed and discussed the proposed Donor Recognition and Signage Policy, which provides clear definitions, approval thresholds, design standards, and procedures for donor acknowledgment, including establishing a threshold of \$50,000 to trigger a naming right;

WHEREAS, the Town Council finds that adopting this policy will enhance the Town's ability to recognize generosity appropriately while preserving the integrity and visual character of the community;

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

Section 1. The Town Council of the Town of Palm Beach hereby adopts the *Donor Recognition and Signage Policy*, attached hereto and incorporated herein by reference as **Exhibit "A."**

Section 2. This policy shall guide all departments in the acceptance and recognition of donations, the establishment of naming rights, and the design of donor signage, in accordance with the standards and procedures set forth herein.

Section 3. This resolution shall take effect immediately upon adoption.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby adopts the *Donor Recognition and Signage Policy*, attached hereto and incorporated herein by reference as **Exhibit "A."**

Section 2: This policy shall guide all departments in the acceptance and recognition of donations, the establishment of naming rights, and the design of donor signage, in accordance with the standards and procedures set forth herein.

Section 3: This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on December 9, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

Town of Palm Beach Donor Recognition & Signage Policy

I. OBJECTIVE

To establish consistent standards and procedures for accepting donations and recognizing donors through signage, plaques, and naming rights in Town facilities, parks, and programs. This policy ensures transparency, preserves community character, and provides fair recognition of donor contributions.

II. RESPONSIBILITY

Department Directors and the Town Manager (or designee) shall implement this policy. The Finance Department shall ensure the completion of all actions related to financial recordkeeping. The Town Council is responsible for approving certain donations and naming rights as described in this policy.

This policy applies to all monetary and in-kind donations (excluding food donations) made to the Town of Palm Beach, including those related to capital improvements, programs, and events. It governs all donor recognition signage, plaques, and naming rights, including those located within public rights-of-way.

III. GUIDING PRINCIPLES

- A. Consistency & Fairness – Donors are recognized using uniform thresholds and standards.
- B. Community Character – Signage reflects the Town’s architectural, aesthetic, and historical values.
- C. Transparency – All donations are disclosed in accordance with Florida’s Public Records laws.
- D. Stewardship – Recognition is time-limited, tied to the useful life of assets, and revocable if necessary.

IV. DEFINITIONS

- A. Anonymous Donation – A donation where the donor’s identity is not publicly disclosed, though the contribution is still documented internally and subject to Florida’s Public Records laws.
- B. Beautification/ **Donation Account** – A designated Town account established to receive donations under \$50,000 for the enhancement, maintenance, or improvement of Town-owned properties and amenities.
- C. Donation – A contribution of cash, goods, or services without expectation of commercial benefit.

D. Donor Recognition – Any formal acknowledgment given to an individual, business, or organization for a contribution, which may include physical signage, digital listings, or public communications.

E. Naming Rights – Formal recognition of a donation or in honorarium or memorium through the naming of an asset, facility, or program.

F. Pledge Agreement – A written commitment from a donor to provide a specified donation over a set period of time, outlining payment schedule, recognition terms, and any conditions of fulfillment.

G. Restricted Donation – A donation designated for a specific purpose.

H. Right of First Refusal – Donor’s ability to provide a new contribution at current market rate to replace the item they initially donated, if the Town deems it would like to have it replaced.

I. Right-of-Way Signage – Recognition signage placed within the Town’s right-of-way (ROW), subject to additional safety, compliance, and consistency review.

J. Unrestricted Donation – A donation available for use at the Town’s discretion.

K. Useful Life – The period during which a donated asset, facility, or improvement is expected to remain functional, safe, and aesthetically appropriate for public use, as determined by the Town.

V. ROLES & RESPONSIBILITIES

A. Town Council – Approves or declines donations over \$50,000, companion/donor/pledge funding agreements, and associated naming rights for facilities, parks, or other Town assets.

B. Town Manager – Approves or declines donations under \$50,000.

C. Department Directors – Coordinate donations, prepare agreements, acknowledge gifts in writing, and ensure implementation of signage standards, if applicable.

D. Finance Department – Processes donations and ensures an official record is kept in the Town Clerk’s Office.

VI. ELIGIBILITY FOR DONOR NAMING RIGHTS / DONOR RECOGNITION

A. Naming rights related to a donation may be offered when a donor’s contribution meets or exceeds one of the following thresholds:

1)The donation is over \$50,000; and

2)The donation covers 50% or more of the acquisition or construction cost, or the continuing operation of a Town-initiated amenity or program (this applies when the Town

desires the item, program, or facility and welcomes companion funding to offset costs to taxpayers); or

3) The donation covers 100% of the cost of a project, fixture, furnishing, or equipment that the Town would not otherwise undertake without full donor funding.

4) In no circumstance will the Town offer naming rights for items valued at less than \$50,000.

VII. DURATION OF RECOGNITION / TERMINATION OR EXPIRATION

A. Naming rights expire at the end of the asset's useful life (Town monitors and determines asset lifecycles). This includes situations where the named item becomes unusable due to damage caused by a natural disaster, vandalism, or other causes that render it unsuitable for continued Town use.

B. All naming rights not defined by a separate naming right or donor agreement expire after **ten (10) years.**

C. Donors may have the right of first refusal (if the donor can be reasonably located by staff) to provide a new contribution at the current market rate and renew recognition if the Town determines, in its sole discretion, to replace an asset.

D. Recognition may be terminated if the donor defaults on pledge payments (if permitted under a pledge agreement) or if continued recognition would harm the Town's reputation.

VIII. ELIGIBILITY FOR HONORARY OR MEMORIAL NAMING / RECOGNITION

A. The Town Manager must present all honorary or memorial naming rights to the Town Council for consideration, approval, or denial.

IX. DESIGN STANDARDS FOR SIGNAGE

A. **Donor signage will be consistent with current Town designs (bronze plaques, Town Seal, appropriate sizing). Wording on donor plaques will be limited to simple acknowledgments such as "Given by," "Gifted by," or "In Honor / In Memory of," followed by the donor or foundation name. Sentimental or descriptive language beyond these phrases is not permitted.**

B. Signage must be consistent with Town branding and design guidelines, as well as the Town's sign ordinances.

C. The Town Manager (or designee) determines placement and acceptable design. The Town may relocate signage if needed.

X. RIGHT-OF-WAY (ROW) SIGNAGE

- A. Florida State Historical Markers or Honorary Designation Markers may be permitted in the ROW by Town Council resolution.
- B. Such markers must comply with FDOT safety standards (no obstruction of sight lines, traffic control devices, or pedestrian pathways).
- C. Signage is limited in size and materials to harmonize with Town streetscape standards.
- D. Donor recognition signage in the right-of-way is not permitted.

XI. POLICY FOR DONATIONS NOT ELIGIBLE FOR NAMING RIGHTS (DONATIONS UNDER \$50,000)

- A. Beautification/**Donation** Account – The Town has established a Town-wide Beautification Account to receive and manage donations under \$50,000. Funds in this account support the maintenance and improvement of Town-owned properties, including but not limited to park fixtures, benches, landscaping, pathways, equipment, and other indoor and outdoor public amenities that enhance the Town’s aesthetic appeal.
- B. Donations of any value for items included in the Town budget are subject to the approval of the Department Director or Town Manager, as appropriate.
- C. Donations of items with a value of \$50,000 or less, which are not included in the Town budget, may be approved by the Department Director if there will be no future maintenance or replacement cost, but are subject to the approval of the Town Manager if there could or would be future maintenance or replacement cost.
- D. Donor Recognition – Contributors to the Beautification/Donation Account and other donors that qualify for naming rights will be recognized through non-physical means such as acknowledgment on the Town’s website, digital signage, and/or an annual printed recognition. Donors may also opt to remain anonymous, in accordance with Florida’s Public Records laws. Department Directors will be responsible for drafting and sending acknowledgment and thank-you letters signed by the Town Manager.
- E. The Department Director or Town Manager may seek Town Council approval of any donation that they determine should be subject to Town Council review.

PROCEDURES FOR TOWN STAFF

A. Donation Intake

1. Staff confirm donation intent (restricted or unrestricted) using the Donation Intake Form (Exhibit A).
2. The Department Director consults with the Town Manager to determine eligibility.
3. The Finance Department logs the donation into official records.

B. Donor Agreements

1. For donations exceeding \$50,000 that include naming rights or donor signage, a written agreement is required.
2. Agreements must specify the donation amount, recognition term, and signage details.
3. Town Council approval is required for all donor and naming rights agreements and any multi-party agreements (e.g., public/private partnerships).

C. Signage Design & Placement

1. Draft signage concepts are reviewed by the Department Director and Town Manager.
- 2 Final wording, design, and location are approved by the Town Council (donor signage plan).
3. For ROW signage, staff conduct a safety and compliance review, and Council approval is required.

D. Public Disclosure

1. All donations and agreements may be disclosed via Town records and communication channels.
2. Anonymous donors may be acknowledged publicly as “Anonymous,” but donation details remain subject to Florida’s Public Records laws.

XIII. EFFECTIVE DATE & REVIEW

This policy takes effect upon Town Council adoption and will be reviewed every five (5) years, or as otherwise determined necessary.



Town of Palm Beach Donation Intake Form (Exhibit A)

Donations Intake Form

Date of Submission: _____

Donor Information

Donor Name(s): _____

Organization (if applicable): _____

Address: _____

Phone: _____

Email: _____

Donation Details

Type of Donation (check one):

☐ Monetary Donation

☐ In-Kind Goods/Materials

☐ Services

Donation Amount / Estimated Value: \$_____

Donation Purpose (check one):

☐ Unrestricted (Town may use at its discretion)

☐ Restricted (designated for a specific purpose)

If restricted, please specify: _____

Recognition Request

Recognition Type Requested (if any):

☐ No public recognition (Anonymous)

☐ Signage / Plaque – Proposed Size: _____

☐ Naming Rights (subject to thresholds and Council approval)

10/27/2025

☐ Other: _____

Preferred Wording (subject to Town approval):

“Given by _____”

“Gifted by _____”

“In Memory / In Honor of _____”

Review & Approvals (For Town Use Only)

Department Director Review: ☐ Eligible ☐ Not Eligible

Director Name/Signature: _____ Date: _____

Town Manager Review: ☐ Approved ☐ Declined

Signature: _____ Date: _____

Town Council Approval Required? ☐ Yes ☐ No

(Required if donation > \$50,000, naming rights, companion funding, or ROW signage)

Finance Department: Logged into Official Records: ☐ Yes

Recorded with the Clerk's Office: ☐ Yes

Finance Signature: _____ Date: _____

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Patricia Strayer, P.E., Town Engineer

Re: Town-Wide Undergrounding Project - Review of Project and Dashboard,
Summary of Project Status

Date: 11/25/2025

GENERAL INFORMATION

I. COMMUNICATIONS:

A. Community Meetings:

None to Report

B. Significant Residential Communications:

None to report

II. PROGRESS SUMMARY:

Overall, Town-wide progress, all phases are either complete or in progress/ funded for construction. In Phase 4 South FPL is in the process of de-energizing and starting to wreck out materials. FPL has committed to multiple crews for pole removal in Phase 4 and 5 South to ensure poles are removed by November 1, 2025, assuming there are no storm interruptions. Phase 5 south FPL wreck out has begun. In Phase 6 North, most poles have been removed. Phase 6 South has begun conversions to the underground network. Phase 7 north conversions are approximately sixty percent (60%) complete. Phase 7 South is moving along very well with the conduit installation. Phase 8 construction is progressing on completing all drilling on north and south streets prior to November 1, 2025.

A. Construction Progress:

Phase 1 North Construction:

From the Inlet south to Onondaga Avenue

- Completed

Phase 1 South Construction:

From southern Town limits north to Sloan 's Curve.

- Completed

Phase 2 North Construction:

From Esplanade Way to Ocean Terrance.

- Completed

Phase 2 South Construction:

From Sloan's Curve to the intersection of South Ocean Boulevard and South County Road.

- Completed

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way.

- Completed

Phase 3 South Construction:

From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue.

- Completed

Phase 4 North Construction:

From the south-side of La Puerta Way to the north-side of List Road.

- Completed

Phase 4 South Construction:

From Peruvian Avenue to Royal Palm Way.

- Completed

Phase 5 North Construction:

From Country Club Road to Southland Road.

- Completed

Phase 5 South Construction:

From South Lake Drive / Hibiscus Avenue and Peruvian Avenue / Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is complete
- Completed

Phase 6 North Construction:

From Chateaux Drive and Kawama Lane to the south-side of Plantation Road.

- Completed

Phase 6 South Construction:

Seaspray Avenue to the south of Royal Poinciana Way.

- Construction is 89% complete.
- Conversions have begun.
- Poles should come down in 2026.

Phase 7 North Construction:

Palm Beach Country Club north to the south side of List Road.

- Construction is 78% completed.
- Targeting pole removal by March 2026. This depends on FPL, ATT , and Comcast completing switching and conversions.

Phase 7 South Construction:

Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Construction is 36% completed.

Phase 8 Construction:

Royal Poinciana Way north to Everglade Avenue

- Construction is 19% completed.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

FEMA has been granted the request for an extension of the completion deadline.

B. Project Budget Summary:

There have been no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases.

cc. Bob Miracle, Deputy Town Manager
Kevin Schanen , Kimley-Horn & Associates

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Emergency Management

Quality of Life

FUNDING

Capital

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approval for the Design Concept and to Accept a Donation to Construct a Beautification Project on the 100 Block of Seaview Avenue 170-2025

Date: 11/25/2025

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 170-2025 to approve the design concept and accept a donation for construction of the beautification project on the 100 block of Seaview Avenue.

GENERAL INFORMATION

The residents of the 100 block of Seaview Avenue, between S Ocean Blvd and S County Road, have requested a beautification project along their street, consisting of adding trees (32 double palms totaling 64 trees that need to be maintained) and low plantings within the right-of-way within the existing footprint of the sidewalk. The residents have worked with a designer to prepare concept plans of tree locations on both sides of the street, while still maintaining the minimum sidewalk widths. The plans show options of foxtail palms or Christmas palms, with similar aesthetic and spacing as the surrounding blocks of Seaview, Seabreeze and S County Rd. Town staff have worked with the residents and their consultant to confirm the typical cross section will maintain on-street parking, meet fire code, and meet accessibility requirements along the sidewalk. If conceptually approved, the design plans will include landscape and hardscape elements; including tree and low plantings, curb, sidewalk and milling and resurfacing the road, which was going to be done by the Town at the completion of undergrounding. The resident donors are seeking approval from Town Council for the proposed design. The proposed donation is being offered to the Town of Palm Beach to construct the beautification project within the right-of-way.

If approved, Public Works staff will coordinate and administer final design, bidding, and construction phase services with the awarded contractor for this donation project. The

final value of the donation will be based on receiving a final bid cost. The donation will be brought to Town Council for approval prior to executing the construction contract.

FUNDING/FISCAL IMPACT

The beautification project construction is being funded through private donation. Please note that this project will lead to increased maintenance costs. Those costs have not yet been quantified.

Attachments

cc: Jason Debrincat, P.E., Assistant Director
Patricia Strayer, P.E., Town Engineer
Wayne Bergman, MCP, LEED-AP Director of Planning, Zoning & Building
Dean Mealy, Procurement and Contracts Manager

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Cooperative Relationships

Quality of Life

FUNDING

Donations

RESOLUTION NO. 170-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVAL FOR THE DESIGN CONCEPT AND TO ACCEPT A DONATION TO CONSTRUCT A BEAUTIFICATION PROJECT ON THE 100 BLOCK OF SEAVIEW AVENUE

WHEREAS, the Town Council of the Town of Palm Beach shall provide review and approval of the proposed design concept for the beautification of the 100 block of Seaview Avenue between S Ocean Boulevard and S County Road; and

WHEREAS, the Town Council shall accept the donation for the construction of the project;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution 170-2025, approving the proposed design concept for the beautification of the 100 block of Seaview Avenue and moves the project forward for final design, bidding, and construction to be completed by the Public Works department.

Section 2:The Town Council of the Town of Palm Beach accepts the donation for the construction of the project. The donation amount is to be determined at the time of the final bid.

Section 3:The Resolution shall take effect upon execution. A copy of this Resolution shall be filed in the office of the Town Clerk.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on December 9, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

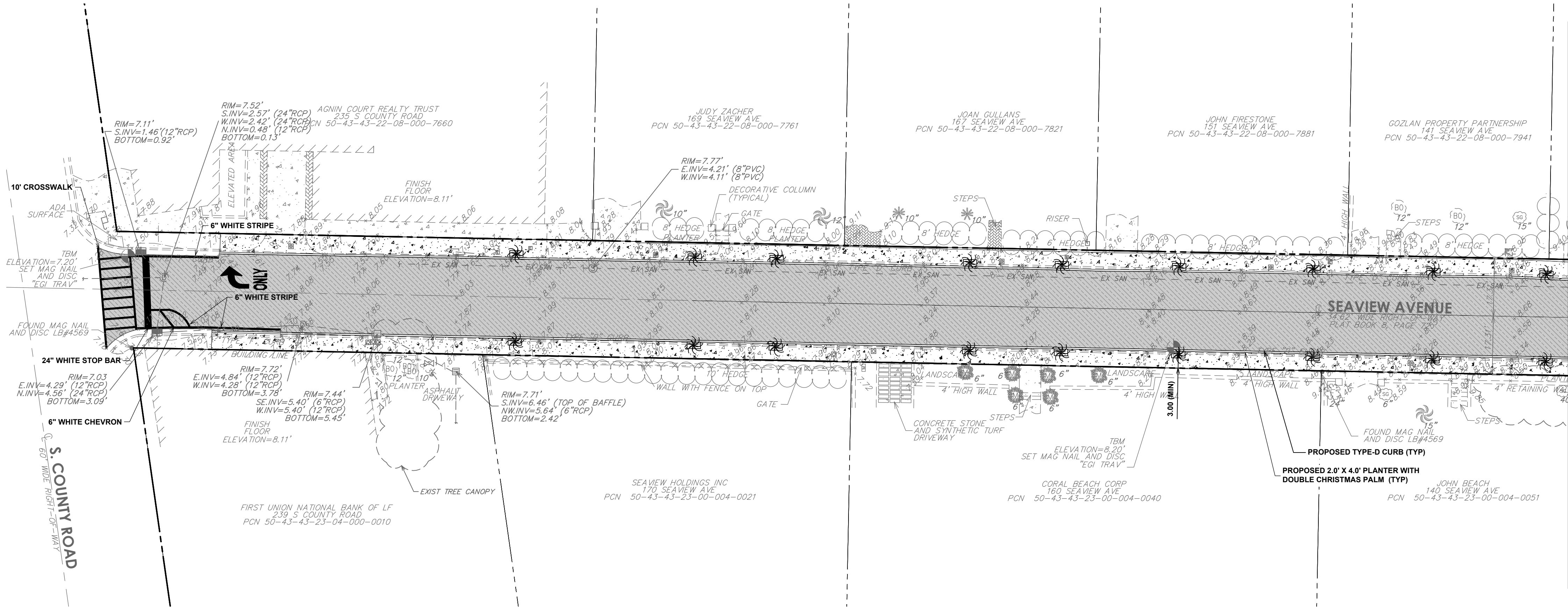
ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

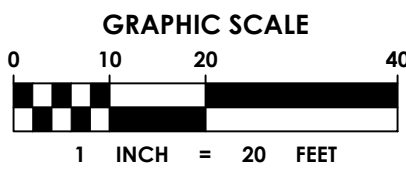
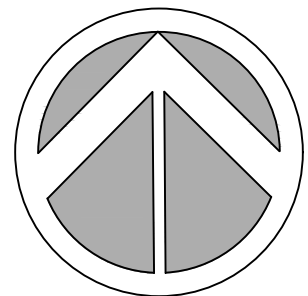
MATCHLINE SEE DRAWING NO. PAV-1



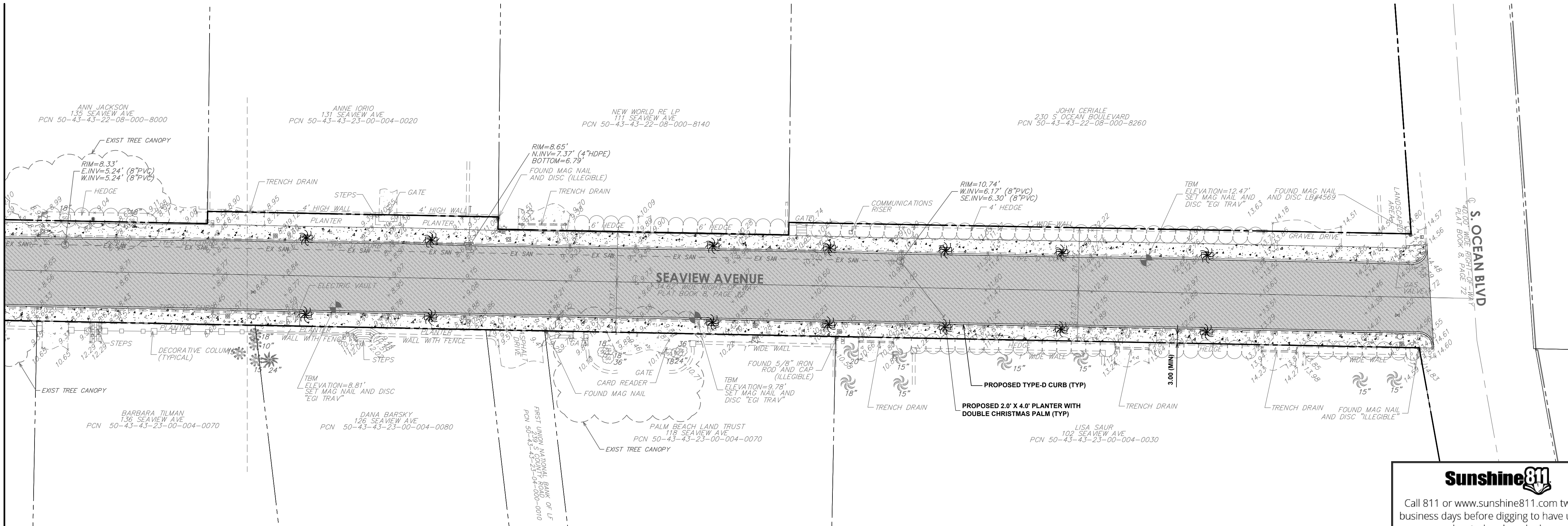
MATCHLINE SEE DRAWING NO. PAV-1

LEGEND

- MILL AND OVERLAY
- STRUCTURAL SOIL
- FULL DEPTH RECONSTRUCTION
- PROPOSED 2.0' X 2.0' PLANTER WITH COCONUT PALM



MATCHLINE SEE DRAWING NO. PAV-1



Call 811 or www.sunshine811.com two full business days before digging to have utilities located and marked.

Check positive response codes before you dig!

CONCEPTUAL NOT FOR CONSTRUCTION

REGISTRATION
Bradley L. Childers, P.E.
LICENSE NO. 98606
DATE: 11/12/2025

CLIENT

ANNE IORIO &
MATTHEW IORIO

PROJECT INFORMATION

SEAVIEW AVENUE
BEAUTIFICATION
PROJECT

PALM BEACH, FL

PROJECT NUMBER
25-0773.00001

CLIENT PROJECT NUMBER

VERIFY SCALES
0 1"
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY

REVISIONS

DATE OF ISSUE
11/12/2025

DESIGNED BY
BC

DRAWN BY
AB

CHECKED BY
BW

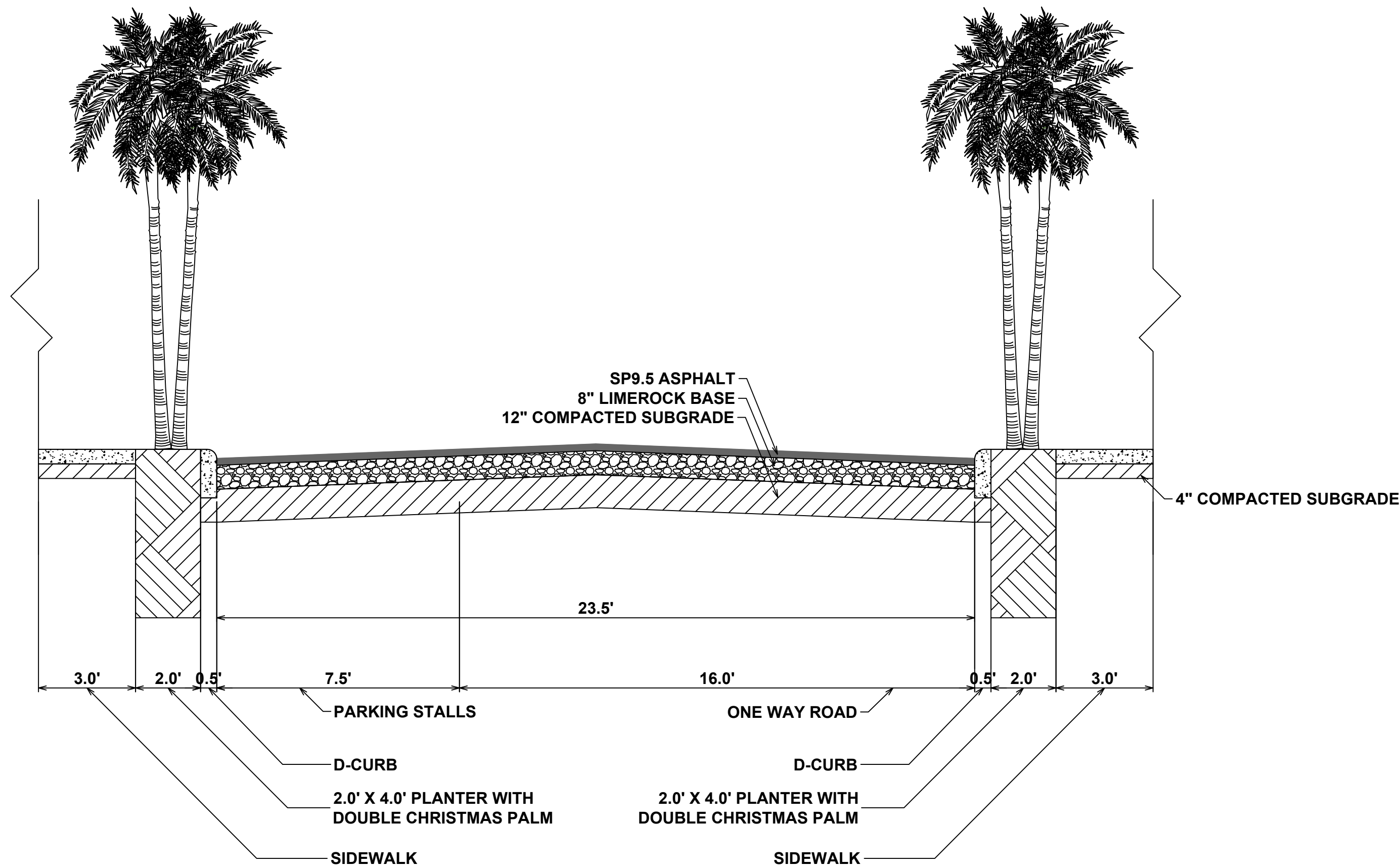
DRAWING TITLE

PROPOSED
PAVING PLAN

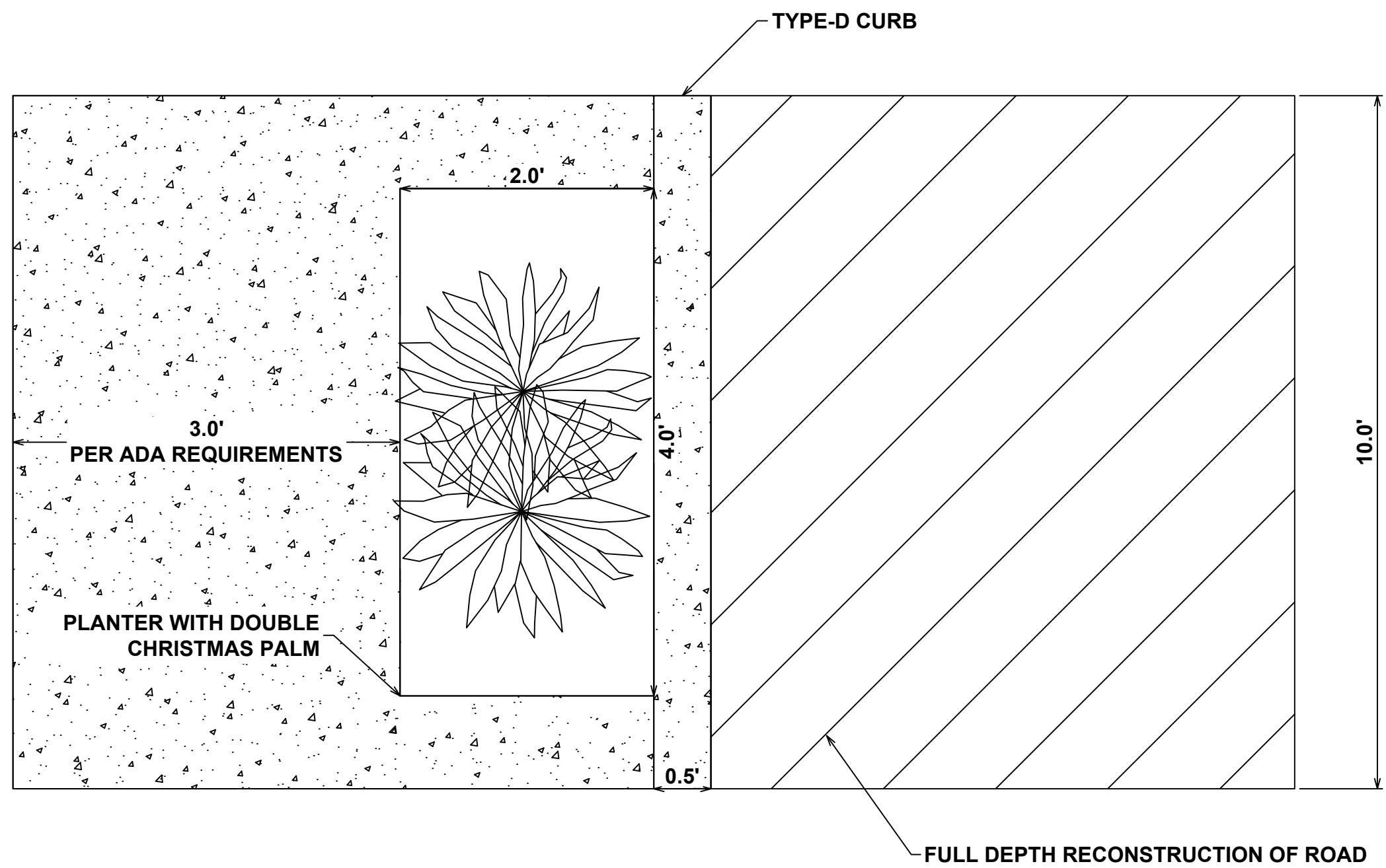
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PAV-1
01 OF 02

Plot Date: 11/13/2025 9:19:50 AM Username: abologna Layout Name: D-1
Folder Path: V:\Projects\2025\25-0773.00001 - seaview avenue streetscape project\Design\CAD Sheets Filename: 25-0773.00001 Details.dwg



1 PROPOSED TYPICAL SECTION LOOKING WEST
N.T.S.



2 PROPOSED SIDEWALK IMPROVEMENT (PLAN VIEW)
N.T.S.

CONCEPTUAL NOT FOR CONSTRUCTION

REGISTRATION

CLIENT

ANNE IORIO &
MATTHEW IORIO

PROJECT INFORMATION

SEAVIEW AVENUE
BEAUTIFICATION
PROJECT

PALM BEACH, FL

PROJECT NUMBER
25-0773.00001

CLIENT PROJECT NUMBER

VERIFY SCALES

0 1"
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY

REVISIONS

DATE OF ISSUE

11/12/2025

DESIGNED BY

BC

DRAWN BY

AB

CHECKED BY

BW

DRAWING TITLE

DETAILS

DRAWING NUMBER

D-1
02 OF 02

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: US Polo Marathon - December 13 and 14, 2025

Date: 12/5/2025

GENERAL INFORMATION

Regional law enforcement partners and event organizers have requested coordination with the Palm Beach Police Department for the multiple U.S. Polo Marathon events scheduled for the weekend of December 13–14, 2025. This event has been held annually for several years and, while it has created some traffic impacts, it has not resulted in any incidents of public safety concern.

On Saturday, December 13th, a 5K and 10K race will take place. These races will begin north of Southern Boulevard and proceed north, utilizing a route under the Royal Park Bridge before continuing to the finish area at the Meyer Amphitheater. These events will not have an impact on traffic within the Town of Palm Beach.

On Sunday, December 14th, the Full Marathon and Half Marathon will begin at 6:00 AM from the Meyer Amphitheater. These events will require coordinated traffic management due to anticipated impacts on access to and from the Town.

TRAFFIC & ROAD CLOSURES

- Road Closures will begin at various intersections in West Palm Beach starting at 2:00 AM, with hard closures of the Royal Park Bridge and the Flagler Memorial Bridge at 5:30 AM.
- Roads reopen on a rolling basis beginning at 12:00 PM, once the final runner has cleared the course.
- Significant traffic impacts to and from the Town of Palm Beach are expected. Motorists are encouraged to use the Southern Boulevard Bridge as an alternative route.
- A total of four (4) Palm Beach Police Officers on Special Detail Assignment will be positioned on the east side of both the Royal Park Bridge and the Flagler Memorial Bridge to assist with traffic flow during periods when gaps between

runners allow for limited movement.

- Emergency vehicles will be given priority and will be permitted to traverse both bridges during emergency situations.

STAFF RECOMMENDATION

Staff recommends a discussion regarding the event organizer's request for a Letter of No Objection for the U.S. Polo Marathon events scheduled for December 13–14, 2025. This discussion will allow the Town Council to determine whether such a letter should be approved and provided.

Attachments

cc: Carolyn Stone, Deputy Town Manager, Business Enterprise and Culture
Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community, Mobility and Transportation

Strategic Focus Areas:

Cooperative Relationships

Emergency Management

Quality of Life

On-island Mobility

FUNDING

No Fiscal Impact

Dec 13, 2025, Marathon of the Palm Beaches

Event Date: Saturday, December 13, 2025

Courses: 5k and 10k

Briefing Time: 06:30

Briefing Location: Fern St. and S Flagler (Post Park)

General Information:

- Road Closures begin at 04:00.
- "Hard" closure at 06:30.
- Officers on posts by **06:45**.
- **Race Start Time:** 07:30
 - **Paley Walk** – Start Time: 09:15

Security:

- Assisting Police: **Elite Security**

Key Personnel:

- **OIC:** Asst Chief Spatara
- **Lieutenant :** Lt. C. Davis
- **Sergeants :** Sgt. B. Tatum (North), Sgt. Ingrassia (South)
- **Special Event Coordinator:** Lt. C. Davis
- **Traffic Sgt:** Sgt. Nagel
- **Logistics:** Teena Thomas
- **Security:** Eddie Murano
- **All American Barricades:** Jesus
- **Radio Channel:** LECOMM 2

Racer Information:

- **Check-In:** Expo Tents at Meyer Amphitheatre
- **Start Point:** Meyer Amphitheatre
- **5k Turn Around:** Valencia Rd
- **10k Turn Around:** Just North of Southern Blvd @ S. Flagler Dr. & Washington Rd.
- **Road Reopening:** Will be a rolling opening following last runner. Sgt. Nagel will verify **ALL** road openings.
- **Runner Bib Identification:**
 - 5k Runners: **Teal Bibs**
 - 10k Runners: **Coral Bibs**

Example of colors:



Medical / First Aid:

- EMS will be on site with medical carts.
 - EMS Transport will be on Datura St.
 - First Aid Tent will be at finish line.
- Water stations along the route.

Additional Information:

- **Paley Walk:** Starts at **09:15** from the starting point with a turnaround at 525 S. Flagler.
- **Request for Relief:** If relief is needed, request from your assigned Sergeant.

Event Timeline:

Time	Activity
04:00	Road closure begins
06:30	Hard closure
06:30	Briefing at Fern St. and S Flagler
06:45	Officers on posts
07:30	Race start time
09:15	Paley Walk Start Time
10:00	**Approximate ending time

Supervisors / STIC	
Overall Incident Command	Asst Chief Spatara (561) 718-4887
Operational Command	Lt. C. Davis (561) 722-8225
Sergeants	Sgt. Brittany Tatum – North (561) 319-8177
	Sgt. J. Ingrassia – South (561) 676-2021
Special Event Coordinator	Lt. C. Davis (561) 722-8225
Traffic Supervisor	Sgt. Nagel (561) 252-1154

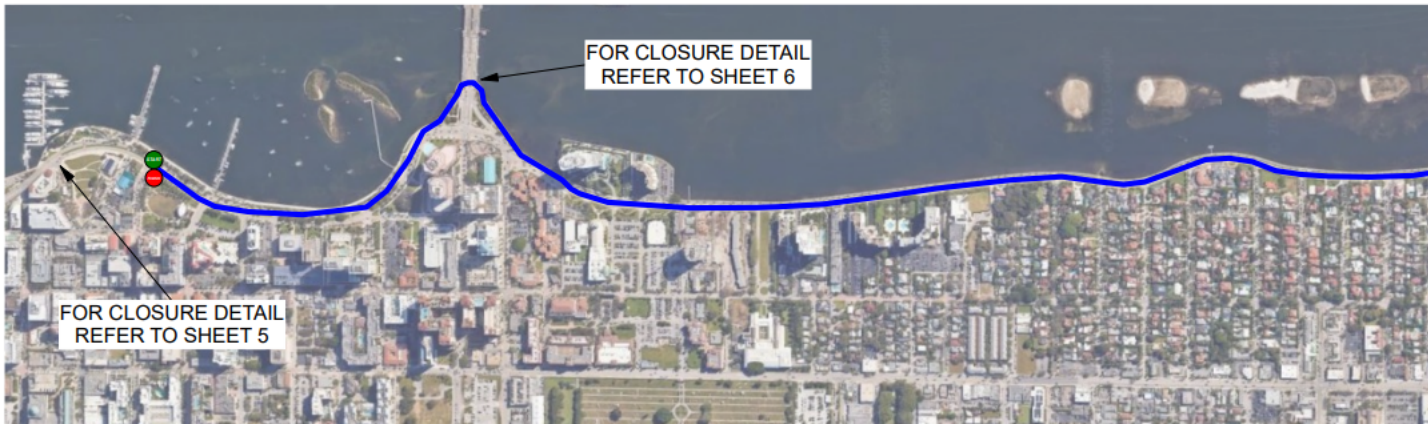
Supervisors / STIC	
WPBFD OIC	TBD
Race Coordinator	Brian Huether (954) 647-1383
City Events Coordinator	Jessica Kelly (914) 213-7676
Elite Security	Eddie Murano (772) 293-1521
STIC Personnel	Danielle Goldberger (917) 734-2138
All American Barricades	Jesus (954) 818-1328

Reminder:

- ARRIVE on time.
- Ensure your radio and BWC batteries are charged.
- Go in service on LE COMM2 with ID# and Position
- Do not leave post unless relieved by Supervisor.
- Check In and Out of ODM with YOUR starting and ending times (*ending times will vary depending on position).



5k-10k
Overview



Marathon of the Palm Beaches Roster

Date of Event - Saturday, 12/13/2025
Operational Assignment List for Contract Detail
Radio Channel - LECOMM 2
Incident Commander and Staff

POSITION	NAME	ID#	TIME IN	TIME OUT	LOCATION
Incident Command	A/C Spatara		630		Command Center
Logistics	Teena Thomas		530		Meyer Ampitheater
Event Coordinator	Lt. Craig Davis		630		Command Center
Lieutenant #1			630		Marathon
Sergeant #1	Tatum, Brittany		630		Sergeant #1
Sergeant #2	Ingrassia, James		630		Sergeant #2
Dispatch			630		DISPATCH - HQ
Emergency Ops	Fire Department				
STIC	Goldberger, Danielle		630	1000	STIC - HQ
Medical Tent	Fire Department				
Motor Sergeant	Sgt. Chris Nagel		400	1000	Marathon
Motor Officer #1	Cuffaro		530	1000	Marathon
Motor Officer #2	Moriello		400	1000	Marathon
Motor Officer #3	Tatum		400	1000	Marathon
(12 Personnel)	atrol / Security Officers				
1	Widdoes, Mary (CSA)		630		Fern / S. Flagler
2	Ince, Jonathan (RBPB)		630		Lakeview / S. Flagler
3	Pena, Ramiro (RBPB)		630		Okeechobee / S. Flagler
4	Perkins, Ashley (CSI)		630		Bristol / Trianon Condos
5	Rivera, Steffani (CSI)		630		Bristol / Trianon Condos
6	Cajuste, Aird (RBPB)		630		Bristol / Trianon Condos
7	Security				Chadborne Ct. / Olive
	Barricades				Actaeon Pl / Flagler
8	Night, Cherrise (RBPB)		630		Arkona Ct. / Flagler
9	Security				Sophia Dr / Olive
10	Security				Wildermere Rd. / Olive
11	Security				1527 S. Flagler Dr
12	Alvord, Kyle (CSA)		630		Barcelona Rd. / Flagler
	Barricades				Cordova Rd. / Flagler
13	Senior, Shanna		630		Granada Rd. / Flagler
14	Security				Valencia Rd. / Flagler
	Barricades				Sunset Rd. / Flagler
	Barricades				Pershing Way / Flagler
15	Pizarro, Milton		630		Belmonte Rd. / Flagler
16	Security				Almeria Rd. / Flagler
	Barricades				Dyer Rd. / Flagler
	Barricades				Monceaux Rd. / Flagler
17	Security				Avila Rd. / Flagler
18	Lally, Scott		630		Westminster / Washington
19	Security				Royal Palm / Washington
20	adden, Jaevery (RBPB)		630		Roosevelt / Washington
21	Santana, Delvis (LPD)		630		Greenwood / Washington
	Barricades				Monroe / S. Flagler
22	Feder, Stephen		630		3915 S. Flagler
	Barricades				Greyman / Washington
23	Security				Edgewood Dr / Washington
24	Tran, Tony		630		Monroe / Washington
25	Treu, Brent		630		Wenonah / Washington
26	Security				3917 Washington
	Barricades				Lakeland Dr / Washington
27	Security				Walton / Washington
28	Feider, Lee Ann (RBPB)		630		Conniston / Washington
29	DUONG, Jimmy (NPPB)		630		Floater
30	Dorfman, Justin (LPD)		630		Floater
31	Toombs, John (RBPB)		630		Floater
32	Tomas, Christian		630		Floater

Dec 14, 2025 - Marathon of the Palm Beaches

Event Date: Sunday, December 14, 2024

Courses: Full Marathon and Half Marathon

Briefing Time: 04:45

Briefing Location: Family Downtown Church – 1101 S. Flagler Dr. (South Parking Lot)

General Information:

- **Road Closures** Begin at 02:00.
- “Hard” closure at 05:30.
- Officers on post by **05:15.**
- **Race Start Time:** 06:00
 - Handcart athletes will start **6 minutes** early and will be escorted by Motor.

Security:

- Assisting Police: **Integrated Event Services**

Key Personnel:

- **OIC:** Asst Chief Spatara
 - **Lieutenants:** Lt. Johnson (North), Lt. Ruiz (South)
 - **Sergeants:** Sgt. Lally (North), Sgt. Ingrassia (South)
 - **Special Event Coordinator:** Lt. C. Davis
 - **Traffic Sgt:** Sgt. Nagel
 - **Logistics:** Teena Thomas
 - **Security:** Scott Hamilton
 - **All American Barricades:** Jesus
-
- **Radio Channel:** LECOMM 2

- **Communication:** Sergeants will have security radios for direct communication.

Race Information:

- **Check-In:** Expo Tents at Meyer Amphitheatre
- **Start Point:** Meyer Amphitheatre
- **South Turn Around:** Washington Rd at Conniston Rd. (south)
- **Road Reopening:** Will be a rolling opening starting at 1200 following last runner. Sgt. Nagel will verify **ALL** road openings.
- **Bib Identification:**
 - Half Marathon Runners: **Teal bibs**
 - Full Marathon Runners: **Coral bibs**

SUNDAY



Medical:

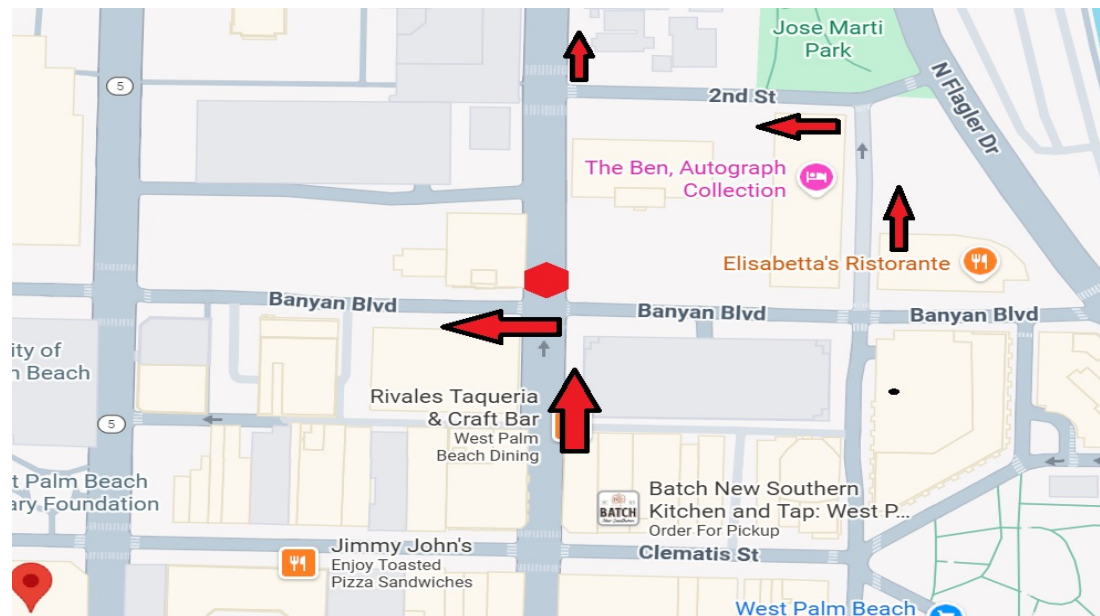
- **Medical Tent:** Meyer Amphitheatre
 - 1 EMS transport
- **Medical Outposts:**
 - 36th St/N Flagler
 - Washington Rd/Royal Palm Rd (George Petty Park)
- **EMS:**
 - On-site with 3 medical carts and AEDs
 - 2 EMS transport's along course
- **Water Stations:** Along the Route

- Water stations will have Medic and AED's

Special Notes:

- **Traffic Impact:**

- Traffic to/from Palm Beach will be affected. Direct traffic to Okeechobee Bridge or to Southern Bridge.
 - Additional VMS boards will be deployed to assist in re-directing traffic
 - PIO's will be on site to update VMS boards in real time to assist with traffic.
- Key communication for officers at Quadrille Bridge to manage road closures.
- **Palm Beach Police** will have officers positioned at the east side of the Okeechobee and Quadrille Bridge to assist with limiting traffic backups.
- **Olive Avenue** - Loading Zones will be closed during race times.
- **Road Closure** - 200-blk of Clematis & Narcissus which is part of the course.
- **Road Closure** – N/B Olive @ Banyan Blvd. will be closed and redirected W/B on Banyan to reduce congestion on N Olive to Quadrille Blvd (Bridge Impact)

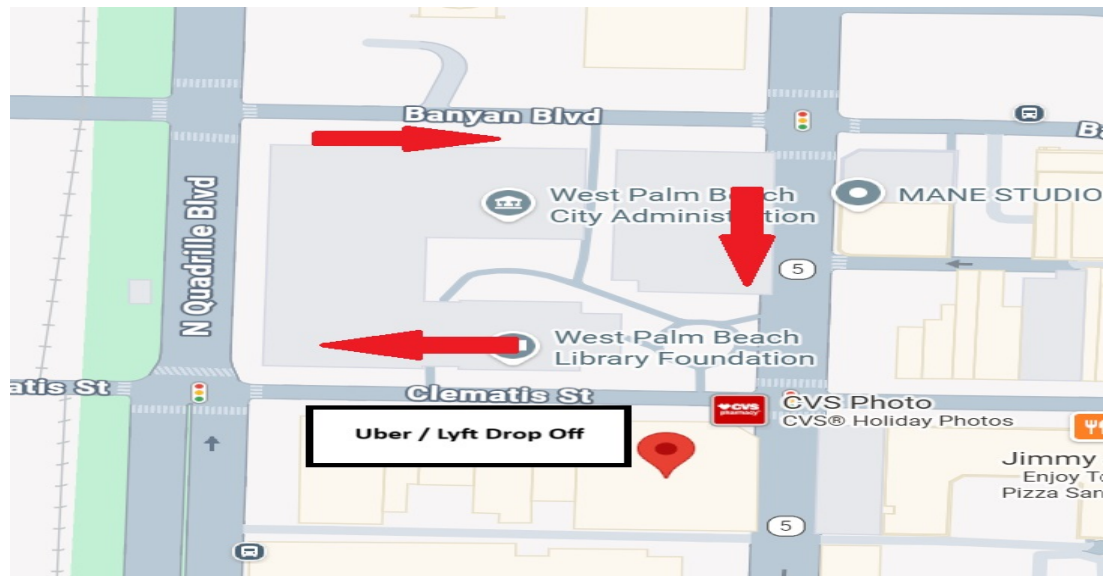


- **Shuttles / Drop Off Locations**

- **Convention Center Parking** – Shuttle will use Quadrille and use Fern and Evernia to drop off runners in the parking lot at 316 Evernia Ave.



- **Uber / Lyft** – Uber / Lyft riders will be directed to stop off in the 400 block of Clematis St.



Communication is crucial, especially at key points like the Quadrille Bridge and during the Regatta to limit traffic issues and back-ups.

- **Relief Protocol:**
 - Officers need to request relief from their sergeant and not leave until relief arrives.

- **Rapid Response Units:**
 - **Sgt. Sterk** is to be notified of any area that needs immediate response or assistance such as severe road congestion or entry onto the course, who will direct his team on e-bikes to respond to assist.

Event Timeline:

Time	Activity
02:00	Road closure begins
04:45	Briefing at Family Downtown Church 1101 S. Flagler Dr.
05:00	Hard closure
05:15	Officers on posts
06:00	Race start time
12:00	Roads begin to open (Sgt Nagel will advise)

Supervisors	
Overall Incident Command	Asst. Chief Spatara (561) 718-4887
Lieutenants	Lt. Johnson – North (561) 309-6067 Lt. Ruiz – South (561) 901-0795

Supervisors	
Sergeants	Sgt. Lally – North (561) 635-2722 Sgt. Ingrassia – South (561) 676-2021
Special Event Coordinator	Lt. C. Davis (561) 722-8225
Traffic Supervisor	Sgt. Nagel (561) 252-1154
WPBFD OIC	TBD
Palm Beach Police OIC	Sgt. J. Hanning (954) 558-1664
Race Coordinator	Brian Huether (954) 647-1383
City Events Coordinator	Jessica Kelly (914) 213-7676
Integrated Event Services	Scott Hamilton (561) 889-6750
All American Barricades	Jesus (954) 818-1328
STIC Personnel	AnnMarie Almaguer (561) 603-1844

Reminders:

- ARRIVE on time
- Ensure your radio and BWC batteries are charged.
- Communicate any road openings clearly.
- Go in service on **LE COMM 2** with **ID# and Position**
- Do not leave post unless relieved by Supervisor.
- Check In and Out of EDS with YOUR starting and ending times (*ending times will vary depending on position.)



Overview



POSITION	NAME	ID#	TIME IN	TIME OUT	LOCATION	# Police
Incident Commander	A/C Spatara		445	1300	Command Center	1
Logistics	Teena Thomas		330	1430	Meyer Amphitheatre	
Event Coordinator	Lt Craig Davis		445	1400	Command Center	2
Lieutenant #1	Johnson, Shawn		445	1400	North Lieutenant	3
Lieutenant #2	Ruiz, Jairo		445	1330	South Lieutenant	4
Sergeant #1	Lally, Scott		445	1400	North Sergeant	5
Sergeant #2	Ingrassia, James		445	1400	South Sergeant	6
Dispatch			445	1400	Dispatch - HQ	
Emergency Ops	Fire Department				Command Center	
STIC	Almaguer, AnnMarie		445	1300	STIC - HQ	7
Medical Tent	Fire Department					
Motor Sergeant	Sgt. C. Nagel		200	1400	Marathon	8
Motor Officer #1	Lemoine		200	1400	Marathon	9
Motor Officer #2	Cuffaro		200	1330	Marathon	10
Motor Officer #3	Moriello		200	1400	Marathon	11
Motor Officer #4	Tatum		200	1400	Marathon	12
Motor Officer #5	Gittens		200	1400	Marathon	13
(15 - PD Personnel)	Patrol / Security Officers					# Police
1	Engleah, Casey		445		59 St. / N. Flagler	1
2	Security				56 St. / N. Flagler	
3	Flaher, Christopher		445		55 St. / N. Flagler	2
4	Security				55 St. / N. Flagler	
5	Security				Palm Beach House Condo	
6	Security				53 St. / N. Flagler	
7	Treu, Brent		445		51 St. / N. Flagler	3
8	Security				5100-5220 N Flagler	
9	Security				49 St. / N. Flagler	
10	Security				47 St. / N. Flagler	
11	McCarthy, Albert		445		45 St. / N. Flagler	4
12	Security				44 St. / N. Flagler	
13	Security				44 St. / N. Flagler (Regency Surr)	
	Empty				43rd St. / N. Flagler	
14	Dortman, Justin (LPD)		445		43 St. / N. Flagler	5
15	Security				42 St. / N. Flagler	
16	Cruz, Kimberly		445		40 St. / N. Flagler	6
17	Feder, Stephen (C.Si)		445		36 St. / Poinsettia	7
18	Perkins, Ashley (C.Si)		445		36 St. / N. Flagler	8
19	Security				34 St. / N. Flagler	
20	Security				33 St. / N. Flagler	
21	Burner, Jeffery (RBPD)		445		30 St. / N. Flagler	9
	Security				28 St. / N. Flagler	
	Security				28 St. / N. Flagler	
22	Security				23 St. / N. Flagler	
23	Security				Butler / N. Flagler	
24	Rivera, Steffani (C.Si)		445		Pine / N. Flagler	10
25	Security				1801 N. Flagler	
26	Security				1717 N. Flagler	
27	Security				9 Lakeland Ct. / N. Flagler	
28	Jackson, Ardis		445		15 St. / N. Flagler	11
29	Harvey, Javaree (RBPD)		445		PBL / Olive	12
30	Milstein, Tyler		445		PBL / N. Flagler	13

31	Security			5 St / N. Flagler	
32	George, Robert		445	8 St / N. Flagler	14
33	Beil, Kentavious		445	Watermark Condo	15
34	Robinson, Darius		445	Quadrule / N. Dixie	16
35	Jacques, Fritz		445	Quadrule / N. Dixie	17
36	Eyres, Marc (RBPD)		445	Quadrule / N. Olive	18
37	Thomson, Michael (LPD)		445	Quadrule / N. Flagler	19
38	Hawkins, Justin (RBPD)		445	Quadrule / N. Flagler	20
39	Yermanos, Carlos		445	Quadrule / N. Flagler	21
40	Luka, Thelton		445	Quadrule / N. Flagler	22
41	Mazadieu, Lovenaky		445	Quadrule / N. Flagler	23
42	Security			4 St / N. Flagler	
43	Security			4 St / N. Flagler	
	Barricades			3 St / N. Olive	
44	Nance, Jonathan (RBPD)		445	2 St / N. Olive	24
45	Security			Banyan / N. Olive	
46	Mcfadden, Jaevary (RBPD)		445	Banyan / N. Olive	25
47	Security			Banyan / N. Flagler	
48	Schneider, Lee Ann (RBPD)		445	Banyan / N. Flagler	26
49	Toombs, John (RBPD)		445	Banyan / Narcissus	27
50	Rodriguez, John		445	Clematis / Narcissus	28
	WVBPB Explorers			Datura / Narcissus	
51	Widdoes, Mary (C&A)		445	Datura / Narcissus	29
52	Herrera, Polo		445	Chase / Tanglewood	30
53	Santana, Delvis (LPD)		445	Lakeview / S. Flagler	31
54	Knight, Cherrise (RBPD)		445	Lakeview / S. Flagler	32
55	Ivory, Brian (RBPD)		445	Okee - Lakeview / S. Flagler	33
56	Duong, Jimmy (NPPD)		445	Okeechobee / S. Flagler	34
57	Ciezak, Edward (NPPD)		445	Okeechobee / S. Flagler	35
58	Pena, Ramiro (RBPD)		445	S. Olive / Okeechobee	36
59	Lingquist, Derek		445	Bristol / Trianon Condos	37
60	Hall, Josh		445	Bristol / Trianon Condos	38
61	Medina, Jacqueline		445	Bristol / Trianon Condos	39
62	Security			Chadborne Ct. / Olive	
	Barricades			Actaeon Pl / Flagler	
63	Streigold, David		445	Arkona Ct. / Flagler	40
64	Security			Sophia Dr / Olive	
65	Security			Wildermere Rd. / Olive	
66	Security			1527 S. Flagler Dr	
67	Security			1801 S. Flagler Dr (Rapallo South)	
68	Alvord, Kyle (C&A)		445	Barcelona Rd. / Flagler	41
	Barricades			Cordova Rd. / Flagler	
69	Senior, Shanna		445	Grenada Rd. / Flagler	42
70	Security			Valencia Rd. / Flagler	
	Barricades			Sunset Rd. / Flagler	
	Barricades			Pershing Way / Flagler	
71	Quinn, Nashawn		445	Belmonte Rd. / Flagler	43
72	Security			Almeria Rd. / Flagler	
	Barricades			Dyer Rd. / Flagler	
	Barricades			Monceaux Rd. / Flagler	
73	Security			Avila Rd. / Flagler	
74	Lopez, Ramon		445	Westminster / Washington	44

75	Security			Royal Palm / Washington	
76	Urena, Roselyn		445	Roosevelt / Washington	45
77	Degraffenreid, Jada		445	Greenwood / Washington	46
78	Security			Monroe / S. Flagler	
79	Conchoso, Dena		445	3915 S. Flagler	47
80	Palacios, Fernando		445	Greenwood / Vincent	48
81	Tomas, Christian		445	Roosevelt / Vincent	49
82	Security			100-bk Roosevelt	
	Barricades			Vincent / Marlborough	
83	Johnson, Shaneshia		445	Floater / Relief	50
84	Allen, Brooke		445	Floater / Relief	51
85	Stephens, Mary		445	Floater / Relief	52
86	Momirovich, Rade		445	Floater / Relief	53
87	Stark, Neil		445	Response Team - Sergeant	54
88	Blake, Xavian		445	Response Team	55
89	Crist, Nekoi		445	Response Team	56
90	Sims, Everett		445	Response Team	57
91	Langill, Eric		445	Response Team	58

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

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

From: Jennifer Hofmeister, AICP, Planner III

Re: 2025 Comprehensive Plan EAR Policies that Require Placement into Chapter 134, Zoning. (Per Florida Statute)

Date: 11/20/2025

ATTACHMENTS

Staff Report

Draft Ordinance

Article VI. District Regulations Amended to be in Compliance

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Water Resources

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

Sustainable Management of Town Assets

Collaborative Town Government

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

On February 12, 2025, the Town Council adopted the 2024 Evaluation and Appraisal Review (EAR)-based Comprehensive Plan. Following the required state evaluation by the Florida Department of Commerce, the state planning agency, the Town was notified on April 4, 2025, that the Town’s Comprehensive Plan was “in compliance” with state law. Pursuant to §163.3202, Fla. Stat., the Town must adopt or amend and enforce land development regulations in the Zoning Code that are consistent with and implement the Comprehensive Plan within one year.

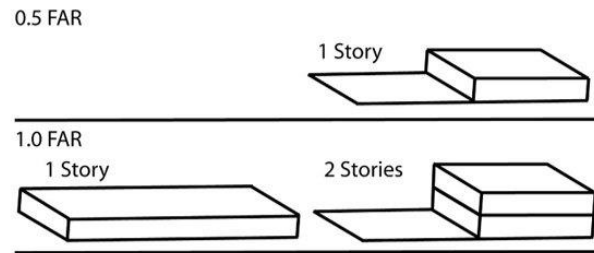
Staff began a thorough examination of the current Zoning Code during the past year. This review is two-fold: (1) to identify the sections of the Code that require changes to maintain consistency with the comprehensive plan; and (2) to bring forward a more contemporary, concise, and easy-to-interpret Zoning Code.

DISCUSSION:

The changes now proposed to the Zoning Code reflect the first “fold” in the review process, that being, to ensure consistency with the comprehensive plan. As mentioned, these changes have a state-mandated deadline. In short and outlined below, the changes consist of the following:

1. Adding to the Purpose of each Zoning District to implement the corresponding Future Land Use category.
2. Changing the R-D(1) residential zoning district title from Moderate Density Residential District to High-Density Residential District.
3. Changing the C-B commercial zoning district title from C-B Commercial District to C-B Commercial Business District.
4. Converting from the Palm Beach acre of 40,000 square feet to 43,560 square feet.
5. Converting from Gross Leasable Area (GLA) to Gross Floor Area (GFA).
6. Removing the Planned Unit Development (PUD) zoning district in its entirety, consistent with the policy directive adopted in the 2024 Comprehensive Plan.
7. Establishing a new Public Facilities Zoning District and a Parks and Recreation Zoning District. The current Zoning Code and associated Zoning Map do not currently have zoning districts to correspond to the Public Future Land Use designation and Recreation Future Land Use designation.

8. Correcting the boundary lines for the Beach Area District. It was also revealed during the Zoning Code review that the Beach Area District did not accurately represent the Beach Area graphically.
9. Establishing an intensity standard for commercial uses. To this regard, during the EAR process of the comprehensive plan, this became a requirement mandated by the state planning agency, in their Objections, Recommendations and Comments Report (ORC). The ORC report stated that the Town must develop an intensity standard to regulate the size of commercial uses. Staff is recommending that the Town implement the Floor Area Ratio or FAR standard. It is the most professionally recognized intensity standard and a key metric in urban planning that regulates the size of a building on a given plot of land. It is calculated by dividing the total (gross) floor area of a building by the total area of the lot on which it is built. A simple illustration is provided below. Staff is proposing an FAR of 1.0 in the commercial districts.



10. Making minor adjustments to verbiage when referring to a beach cabana house, R-C medium-density residential zoning district, RD(1) high-density residential zoning district and Approved PUDs.

PROPOSED ZONING CODE TEXT CHANGES

The following sections in Chapter 134, Zoning, Article VI, -District Regulations, are as follows:

A.

Sec. 134-751. Establishment of districts.

R-AA	Large estate residential
R-A	Estate residential
R-B	Low-density residential
R-C	Medium-density residential
R-D(1)	Moderate High-density residential
R-D(2)	High-density residential
C-TS	Commercial—Town serving
C-WA	Commercial—Worth Avenue

C-OPI	Commercial—Offices, professional and institutional
C-PC	Commercial—Planned center
C-B	Commercial, offices -business
C	Conservation
PUD-A	Approved Planned Unit Development - The Breaker’s Property
PUD-B	Approved Planned Unit Development – Tres Vidas Property
PUD-C	Approved Planned Unit Development – Sloan’s Curve Property
Beach area	Beach area
PR	Parks and recreation
PF	Public facilities

B.

Sec. 134-752. Zoning map.

- (a) The boundaries of the districts are as shown upon the **Official zoning map of the 2024 Comprehensive Plan Map Series, which was adopted by the Town Council on February 12, 2024, as a part of Ordinance No. 15-2024, and amended from time-to-time reference** and made a part of this chapter. **and is entitled "Amended Zoning Map of the Town of Palm Beach, Florida," which original amended map bears the following legend: "Adopted March 26, 1974, as a part of Ordinance No. 2-74."**

C.

Amending the following Sections of all Zoning Districts of the Zoning Code: **Sec. 134-786, Sec. 134-836, Sec. 134-886, Sec. 134-941, Sec. 134-996, Sec. 134-1051, Sec. 134-1106, Sec.134-1156, Sec.134-1206, Sec.134-1256, Sec.134-1301, Sec.134-1351, Sec.134-1471, and Sec.134-1482** to add to the section title **Purpose** of the district regulations for each zoning district the implementation of the corresponding Town of Palm Beach Comprehensive Plan Future Land Use designations.

D.

Sec. 134-755. Application of regulations.

Except as provided in this chapter:

- (5) For the purpose of calculating the permissible number of dwelling units per acre in this chapter, such calculations shall be based on an acre containing **40,000 43,560** square feet. **When multiplying the size of a lot by 43,560 square feet and the total is not a whole number, round down to determine the permissible number of dwelling units.**

E.

Amending the following Sections of the Zoning Code that are contained within the R-AA, R-A, R-B, R-C, R-D(1) and R-D(2) **Sec. 134-790, Sec. 134-840, Sec. 134-890, Sec. 134-945, Sec. 134-1000, and Sec. 134-1055** to add **“Approved”** to Planned Unit Development and add **“Cabana”** to beach houses.

F.

Amending the following Sections of the Commercial Districts of the Zoning Code: **Sec. 134-1113, Sec. 134-1163, Sec. 134-1213, Sec. 134-1262 and Sec.134-1308** to establish a “**Floor Area Ratio (FAR)**” intensity standard for commercial districts.

G.

Amending the following Sections of the Commercial Districts of the Zoning Code: **Sec. 134-1106, Sec. 134-1107, and Sec. 134-1109** of the C-TS Commercial District; **Sec. 134-1156 and Sec. 134-1157** of the C-WA District; **Sec. 134-1256, Sec. 134-1257 and Sec. 134-1259** of the C-PC Planned Center District to convert from gross leasable area (GLA) to “**gross floor area (GFA)**”.

H.

Amending the following Sections of the C-B Commercial Business District of the Zoning Code: **Sec. 134-1301, Sec.134-1302; Sec.134-1303, Sec.134-1304, Sec.134-1306, Sec.134-1307, Sec.134-1308, Sec.134-1310, Sec.134-1311, Sec.134-1312, Sec.134-1313, Sec.134-1315, Sec.134-1316** to add “**Business**” to C-B Commercial Business District.

I.

Amending the PUD Planned Unit Development District of the Zoning Code to remove it in its entirety and replace it with **Sec.134-1391**.

J.

Amending the following Sections of the Beach Area District of the Zoning Code: **Sec. 134-1473, Sec. 134-1474, Sec. 134-1475, and Sec. 134-1476** to add “**cabana**” and remove buildings and structures when reviewing a beach cabana house.

K.

Amending Chapter 134, Zoning Code, to add a New **Division 17. – PR Parks and Recreation District**.

L.

Amending Chapter 134, Zoning Code, to add a New **Division 18. – PF Public Facilities District**.

JH

ORDINANCE NO. 0XX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1. GENERALLY, BY AMENDING SECTION 134-751 TO CHANGE R-D(1) FROM MODERATE RESIDENTIAL TO HIGH-DENSITY RESIDENTIAL, TO CHANGE C-B FROM COMMERCIAL OFFICE TO COMMERCIAL BUSINESS, TO ADD THE COMMON NAMES TO PUD-A, PUD-B, AND PUD-C, TO ADD A NEW PR PARKS AND RECREATION DISTRICT, AND TO ADD A NEW PF PUBLIC FACILITIES DISTRICT; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1. GENERALLY, BY AMENDING SECTION 134-752, ZONING MAP, TO CHANGE FROM THE 1974 OFFICAL ZONING MAP TO THE 2024 OFFICIAL ZONING MAP; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1. GENERALLY, BY AMENDING SECTION 134-755 TO CHANGE THE ACREAGE DEFINITION FROM 40,000 SQUARE FEET TO 43,560 SQUARE FEET; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 2. R-AA LARGE ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-786, DIVISION 3. R-A ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-836, AT DIVISION 4. R-B LOW DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-886, AT DIVISION 5. R-C MEDIUM DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-941, AT DIVISION 6. R-D(1) HIGH DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-996, AT DIVISION 7. R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-1051, AT DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT BY AMENDING SECTION 134-1106, AT DIVISION 9. C-WA WORTH AVENUE DISTRICT, BY AMENDING SECTION 134-1156, AT DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL, BY AMENDING SECTION 134-1206, AT DIVISION 11. C-PC PLANNED CENTER DISTRICT, BY AMENDING SECTION 134-1256, AT DIVISION 12. C-B COMMERCIAL BUSINESS, BY AMENDING SECTION 134-1301, AT DIVISION 13. CONSERVATION DISTRICT, BY AMENDING SECTION 134-1351, AT DIVISION 15. BEACH AREA, BY AMENDING SECTION 134-1471, AND AT DIVISION 16.- CI CULTURAL INSTITUTION DISTRICT BY AMENDING SECTION 134-1482 TO ADD TO THE PURPOSE OF THE DISTRICT REGULATIONS FOR EACH ZONING DISTRICT THE IMPLEMENTATION OF THE CORRESPONDING TOWN OF PALM BEACH COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATIONS; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1 GENERALLY, AT DIVISION 2. R-AA LARGE ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-

790, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 3. R-A ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-840, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4. R-B LOW DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-890, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 5. R-C MEDIUM DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-945, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 6. R-D(1) HIGH-DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-1000, AND AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 7. R-D(2) HIGH-DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-1055 TO ADD APPROVED TO PLANNED UNIT DEVELOPMENT AND ADD CABANA TO BEACH HOUSES; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 6. R-D(1) TO MODERATE DENSITY RESIDENTIAL DISTRICT BY AMENDING THE DIVISION TITLE FROM MODERATE DENSITY RESIDENTIAL DISTRICT TO R-D(1) HIGH-DENSITY RESIDENTIAL DISTRICT, BY AMENDING SECTION 134-996, SECTION 134-997, SECTION 134-998, SECTION 134-999, SECTION 134-1000, SECTION 134-1001, SECTION 134-1002, SECTION 134-1003, SECTION 134-1004, SECTION 134-1005, SECTION 134-1006, SECTION 134-1007, SECTION 134-1008, SECTION 134-1009, SECTION 134-1010, SECTION 134-1011, SECTION 134-1012, AND SECTION 134-1014 AMENDING THE DIVISION TITLE FROM R-D(1) MODERATE DENSITY RESIDENTIAL DISTRICT TO R-D(1) HIGH DENSITY RESIDENTIAL DISTRICT; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 12. C-B COMMERCIAL DISTRICT BY AMENDING THE DIVISION TITLE TO READ C-B COMMERCIAL BUSINESS DISTRICT, BY AMENDING SECTION 134-1301, SECTION 134-1302, SECTION 134-1303, SECTION 134-1304, SECTION 134-1306, SECTION 134-1307, SECTION 134-1308, SECTION 134-1309, SECTION 134-1310, SECTION 134-1311, SECTION 134-1312, SECTION 134-1313, SECTION 134-1315, AND SECTION 134-1316 TO CHANGE FROM C-B COMMERCIAL DISTRICT TO C-B COMMERCIAL BUSINESS DISTRICT; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT BY AMENDING SECTION 134-1113, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 9. C-WA WORTH AVENUE COMMERCIAL DISTRICT BY AMENDING SECTION 134-1163, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT BY AMENDING SECTION 134-1213, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 11. C-PC PLANNED CENTER DISTRICT BY AMENDING SECTION 134-1262 AND SECTION 134-1308(12) TO ESTABLISH A FLOOR AREA RATIO (FAR) INTENSITY STANDARD FOR COMMERCIAL USES; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8. C-TS TOWN-SERVING

COMMERCIAL DISTRICT BY AMENDING SECTION 134-1106, AND SECTION 134-1107, SECTION 134-1109, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 9. C-WA WORTH AVENUE COMMERCIAL DISTRICT BY AMENDING SECTION 134-1156 AND SECTION 134-1157, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 11. C-PC PLANNED CENTER DISTRICT BY AMENDING SECTION 134-1256, SECTION 134-1257 AND SECTION 134-1259 TO CONVERT FROM GROSS LEASABLE AREA (GLA) TO GROSS SQUARE FEET (GSF); AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8. C-TS TOWN SERVING COMMERCIAL DISTRICT, SECTION 134-1107, DIVISION 9. C-WA WORTH AVENUE DISTRICT, SECTION 134-1157 AND DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT, SECTION 134-1207 TO REMOVE THE CLAUSE RELATED TO SUPPLEMENTAL OFF-SITE SHARED PARKING THAT SUNSETTED ON MARCH 13, 2024; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 14. PUD PLANNED UNIT DEVELOPMENT DISTRICT TO REMOVE IT IN ITS ENTIRETY AND REPLACE WITH A NEW SECTION 134-1391; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 15. BEACH AREA BY REPLACING STRUCTURE OR BEACH BUILDING, BEACH HOUSES, BEACH HOUSES, AND BEACH HOUSE BUILDINGS WITH BEACH CABANA HOUSE IN SECTION 134-1473, SECTION 134-1474, SECTION 134-1475, AND SECTION 134-1476; AT ARTICLE VI, DISTRICT REGULATIONS TO ADD A NEW DIVISION 17. PR PARKS AND RECREATION DISTRICT, INCLUDING NEW SECTIONS 1501 THROUGH 1505 AND TO ADD A NEW DIVISION 18. PF PUBLIC FACILITIES DISTRICT SECTIONS 1511 THROUGH 1513; 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 has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, known as the Community Planning Act (the "Act"); and

WHEREAS, pursuant to Section 163. 3191 of the Act, the Town of Palm Beach is required to periodically and comprehensively evaluate its Comprehensive Plan to determine if plan amendments are necessary and to notify the state land planning agency as to its determination; and

WHEREAS, in accordance with Section 163. 3191 of the Act, the Town of Palm Beach conducted a recent Evaluation and Appraisal of the Town of Palm Beach Comprehensive Plan and determined that it is necessary and appropriate to amend the

Data & Analysis (D&A) as well as the Goals, Objectives, and Policies (GOPs) of the Town of Palm Beach Comprehensive Plan; and

WHEREAS, the Town of Palm Beach's Planning and Zoning Commission issued a Record and Report recommending proposed amendments to the Town of Palm Beach Comprehensive Plan; and

WHEREAS, pursuant to Section 163. 3174(11) of the Act after notice required by law, the Town Council, acting as the Local Planning Agency (LPA), conducted a public hearing on November 13, 2024 wherein it considered the Planning and Zoning Commission's Record and Report and all evidence and testimony regarding the proposed amendments; and

WHEREAS, on February 12, 2025, pursuant to Section 163. 3184(11) of the Act and after notice required by law, the Town Council conducted the second and final public hearing and adopted the Amendments to the Town of Palm Beach Comprehensive Plan (the "Amendments") by Ordinance No. 015-2024; and

WHEREAS, on April 4, 2025, the state land planning agency completed their review of the Amendments and issued Notice of Intent to find the Amendments in compliance;

WHEREAS, pursuant to Section 163.3202 of the Act, within 1 year after submission of its comprehensive plan or revised comprehensive plan for review, the Town shall adopt or amend and enforce land development regulations that are consistent with and implement the Amendments; and

WHEREAS, the Town's Planning, Zoning and Building Staff has proposed certain amendments to the Town's land development regulations to be consistent with and implement the Amendments to the Comprehensive Plan proposed; and

WHEREAS, the Town's Planning and Zoning Commission considered the proposed amendments to the land development regulations at its public meeting on December 2, 2025 and recommended that the Town Council adopt those amendments.

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

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

Section 2. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 1.- GENERALLY, is hereby amended as follows:

Sec. 134-751. Establishment of districts.

For the purposes of protecting, promoting and improving the public health, safety, morals and the general welfare of the people, the town is divided into the following districts:

R-AA	Large estate residential
R-A	Estate residential
R-B	Low-density residential
R-C	Medium-density residential
R-D(1)	Moderate High-density residential
R-D(2)	High-density residential
C-TS	Commercial—Town serving
C-WA	Commercial—Worth Avenue
C-OPI	Commercial—Offices, professional and institutional
C-PC	Commercial—Planned center
C-B	Commercial; offices -business
C	Conservation
PUD-A	Approved Planned Unit Development - The Breaker's Property
PUD-B	Approved Planned Unit Development – Tres Vidas Property
PUD-C	Approved Planned Unit Development – Sloan's Curve Property
Beach area	Beach area
PR	Parks and recreation
PF	Public facilities

Sec. 134-752. Zoning map.

- (a) The boundaries of the districts are as shown upon the ~~Official zoning map of the 2024 Comprehensive Plan Map Series, which was adopted by the Town Council on February 12, 2024, as a part of Ordinance No. 15-2024, and amended from time-to-time reference~~ and made a part of this chapter. ~~and is entitled "Amended Zoning Map of the Town of Palm Beach, Florida," which original amended map bears the following legend: "Adopted March 26, 1974, as a part of Ordinance No. 2-74."~~

Sec. 134-755. Application of regulations.

Except as provided in this chapter:

- (5) For the purpose of calculating the permissible number of dwelling units per acre in this chapter, such calculations shall be based on an acre containing ~~40,000~~ 43,560 square feet. When multiplying the size of a lot by 43,560 square feet and the total is not a whole number, round down to determine the permissible number of dwelling units.

Section 3. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 2.- R-AA LARGE ESTATE RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-786. Purpose.

The purpose of the R-AA large estate residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~Provide for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~Protect and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

Sec. 134-790. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-AA large estate residential district are as follows:

- (1) Approved planned unit developments.
- (2) Public structures.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach cabana houses intended for the use of family and guests.

Section 4. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 3.- R-A LARGE ESTATE RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-836. Purpose.

The purpose of the R-A large estate residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~Provide for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~Protect and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

Sec. 134-840. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-A estate residential district are as follows:

- (1) Approved planned unit developments.
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach cabana houses intended for the use of family and guests.

Section 5. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 4.- R-B LOW DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-886. Purpose.

The purpose of the R-B low-density residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~Provide for low density single-family residential use, as that term is defined in section 134-2, of moderately spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~Protect and preserve existing development of this character and contains vacant land considered appropriate for such development in the future.

Sec. 134-890. Special exception uses.

- (1) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-B low-density residential district are as follows:
- (2) Approved planned unit developments.
- (3) Public structures, including essential services west of Lake Trail.
- (4) Essential services related to town-owned municipal buildings and structures.
- (5) Beach cabana houses intended for the use of family and guests.

Section 6. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 5.- R-C MEDIUM DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-941. Purpose.

The purpose of the R-C medium-density residential district is to:

- (1) Implement the Medium Density Residential Future Land Use designation.
- (2) ~~m~~Maintain a generally spacious environment for residential uses, as that term is defined in section 134-2, but, at the same time, permit a desirable variety of housing types.
- (3) Support a Ppopulation, density and height of buildings that are low enough to be compatible with neighboring single-family development.
- (4) Permitted community facilities, such as park and recreation areas, public schools and essential services that are the same as for the single-family residential districts.

Sec. 134-945. Special exception uses.

- (1) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-C medium-density residential district are as follows:
- (2) Approved planned unit developments.
- (3) Public structures/uses.
- (4) Essential services related to town-owned municipal buildings and structures.
- (5) Public or private academic schools.
- (6) Churches, synagogues and other houses of worship.

- (7) Supplemental parking.
- (8) Nonprofit cultural centers.
- (9) Municipally owned or operated parking areas.
- (10) Beach cabana houses intended for the use of family and guests only.

Sec. 134-946. Accessory structures.

- (a) *Accessory structures in R-C medium-density district.* Accessory structures in the R-C medium-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-C medium-density district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-C medium-density district, enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yard of 20 feet.
- (5) An accessory structure in the R-C medium-density district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-C medium-density district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

Sec. 134-952. Exemption to height limitations.

In the R-C medium-density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five (5) feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed 2% of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

Section 7. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 6.- R-D(1) MODERATE DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

DIVISION 6. R-D(1) MODERATE HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 134-996. Purpose.

The purpose of the R-D(1) moderate high-density residential district is to:

- (1) Implement the High-Density Residential Future Land Use designation.
- (2) ~~p~~**Provide** for residential uses, as that term is defined in section 134-2, and a variety of housing types at a moderate high population density compatible with neighboring housing areas of lower density.

Sec. 134-997. Permitted uses.

The permitted uses in the R-D(1) moderate high-density residential district are as follows:

Sec. 134-998. Accessory uses.

The accessory uses in the R-D(1) moderate high-density residential district are as follows:

Sec. 134-999. Prohibited uses.

The specific prohibited uses of buildings or land in the R-D(1) moderate high-density residential district are as follows:

Sec. 134-1000. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(1) ~~moderate~~ high-density residential district are as follows:

- (1) Approved Planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Roof-deck automobile parking.
- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.

Sec. 134-1001. Accessory structures.

- (a) *Accessory structures in R-D(1) district.* Accessory structures in the R-D(1) ~~moderate~~ high-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

Sec. 134-1002. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-D(1) ~~moderate~~ high-density residential district, no accessory structure shall be used as or converted to a dwelling unit. If any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

Sec. 134-1003. Accessory uses in multifamily dwellings.

Incidental services used in connection with multifamily structures in the R-D(1) ~~moderate high-density~~ residential district, including cigar or candy stands, delicatessens, personal service shops and similar uses, may be permitted provided the following conditions are fulfilled:

Sec. 134-1004. Lot, yard and area requirements—Generally.

In the R-D(1) ~~moderate high-density~~ residential district, the schedule of lot, yard and area requirements is as given in this section:

Sec. 134-1005. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-D(1) ~~moderate high-density~~ residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district; may be enlarged with a first story and/or second story addition, provided the addition complies with the current schedule of lot, yard and bulk regulations for this district;

Sec. 134-1006. Same—Exceptions.

In the R-D(1) ~~moderate high-density~~ residential district, exceptions to the yard regulations in section 134-1548 are as follows:

Sec. 134-1007. Awnings or trellises in side or rear yards.

In the R-D(1) ~~moderate high-density~~ residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

Sec. 134-1008. Special exception to height regulations; special exception structures.

- (a) In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(1) moderate high-density density residential district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

- (b) In no event shall the building height in a R-D(1) moderate high-density exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:

Sec. 134-1009. Lot grade topography and drainage.

In the R-D(1) moderate high-density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Sec. 134-1010. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-D(1) moderate high-density residential district are contained in article VIII of this chapter.

Sec. 134-1011. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-D(1) moderate high-density residential district are contained in article IX of this chapter.

Sec. 134-1012. Signs.

The sign regulations which may be applicable in the R-D(1) moderate high-density residential district are contained in article XI of this chapter.

Sec. 134-1014. Exemption to height limitations.

In the R-D(1) moderate high-density residential district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is

setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

Section 8. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 7.- R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-1051. Purpose.

The purpose of the R-D(2) high-density residential district is to:

- (1) Implement the High-Density Future Land Use designation.
- (2) pProvide for residential uses, as that term is defined in section 134-2, of a variety of dwelling types, and under carefully controlled conditions, hotels and timesharing uses.
- (3) Provide a Ppermitted population density falls in the lower range of what is generally considered high-density development.

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(2) high-density residential district are as follows:

- (1) Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Accessory commercial uses to hotel uses.

- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.

Sec. 134-1057. Accessory structures.

- (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the R-D(2) high-density residential zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.

- (5) An accessory structure in the R-D(2) high-density residential district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-D(2) high-density residential district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

Sec. 134-1064. Special exception to height regulations; special exception structures.

- (b) In no event shall the building height in an R-D(2) high-density residential zoning district exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:

Sec. 134-1070. Exemption to height limitations.

In the R-D(2) high-density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such

tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one towers as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

Section 9. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 8.- C-TS TOWN-SERVING COMMERCIAL DISTRICT, is hereby amended as follows:

Sec. 134-1106. Purpose and limitations.

The purpose of the C-TS town-serving commercial district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

~~(1)(2)~~ Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.

~~(2)(3)~~ Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross ~~leasable~~ square floor ~~(GLA)~~ (GSF) area are imposed.

Sec. 134-1107. Permitted uses.

(a) Enumeration; maximum gross ~~leasable floor~~ area. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 gross floor area (GFA) ~~(GLA)~~ ~~gross leasable area (GLA)~~, are as follows:

~~(10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

~~(9) Residence(s) above the first floor.~~

~~(10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(b) Residence(s) above the first floor.

~~(b)(c)~~ *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 ~~gross floor area square feet of gross leasable area (GLA)~~ shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum ~~gross leasable area~~ of 3,000 ~~square feet gross floor area~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a ~~gross leasable area building~~ exceeding 3,000 gross floor area ~~square feet~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 ~~gross floor area square feet, in a district with a 3,000 square footage limitation,~~ to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 ~~square feet maximum gross leasable area (GLA) gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA)~~ to more than 3,000 ~~square feet floor area~~

Sec. 134-1109. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS Town-serving commercial districts are as follows:

(11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1107~~8~~ but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 ~~gross square floor area (GFA) gross leasable area.~~

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

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

(12) Floor area *ratio (FAR)*

~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~a. FAR of 1.0.~~

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

Section 9. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 9.- C-WA WORTH AVENUE DISTRICT, is hereby amended as follows:

Sec. 134-1156. Purpose.

The purpose of the C-WA Worth Avenue commercial district is to:

(1) ~~Implement the Comprehensive Plan Commercial Future Land Use designation.~~

(2) ~~Adhere to the development standards contained in the Worth Avenue Design Guidelines.~~

(3) Preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of townpersons.

(4) Drive-in retail facilities are not permitted.

(5) Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross ~~leasable floor~~ area ~~(GFA)~~ ~~(GLA)~~; thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale.

Sec. 134-1157. Permitted uses.

(a) *Enumeration; maximum gross ~~leasable floor~~ area.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 ~~gross square floor area (GFA)~~ ~~of gross leasable area (GLA)~~, are as follows:

~~(31) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

~~(29) Residence(s) above the first floor.~~

~~(30)~~(29) Combinations of the uses in subsections (a)(1) through (28) of this section.

~~(31) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182 This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(b) Residence(s) above the first floor.

~~b)(c)~~ Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of ~~gross leasable area (GLA) gross floor area~~ shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum ~~gross leasable area of 4,000 gross floor area square feet~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a ~~gross leasable area~~ exceeding 4,000 ~~gross floor area square feet~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 ~~gross floor area square footage~~ limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size or subdivide into two 5,000 square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum ~~gross leasable area (GLA) gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA) size of the building~~ to more than 4,000 square feet

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

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

(12) Floor area *ratio. (FAR).*

~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

a. FAR of 1.0.

~~e.b.~~ Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.

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

Section 10. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 10.- C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT, is hereby amended as follows:

Sec. 134-1206. Purpose.

The purpose of the C-OPI office, professional and institutional district is to:

- (1) Implement the Comprehensive Plan Commercial Future Land Use designation.
- (2) Provide locations for administrative, professional business and institutional offices which are adequate for the town's needs and convenient for use by town citizens.

Sec. 134-1207. Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

- (1) Offices and professional and business services and executive offices, excluding veterinarian offices.
- (2) Brokerage and trust companies.
- (3) Yacht Brokerage with no display of merchandise on premises.
- (4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- (5) (6) Essential services.
- (6) (5) Residence(s) above the first floor.
- ~~(7) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182 This use will sunset on March 13, 2024, unless extended or modified by town council.~~

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

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

- (12) Floor area *ratio*. (*FAR*).

~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~c. For three-story buildings, the maximum gross floor area of buildings is 30,000 square feet.~~

~~a. FAR of 1.0.~~

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

Section 11. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 11.- C-PC PLANNED CENTER DISTRICT, is hereby amended as follows:

Sec. 134-1256. Purpose and intent.

~~It is the intent of the C-PC planned center district to~~

~~The purpose of the C-PC planned center district is to:~~

~~(1) Implement the Comprehensive Plan Commercial Future Land Use designation.~~

~~(2) Preserve and enhance an area of unique character oriented toward a combination of office, professional and retail uses to be developed either as a unit or as individual parcels. Further, it is the intent of this district to~~

~~(3) Enhance the town-serving character of the area through limitation on maximum gross leasable floor area (GLA)(GFA).~~

Sec. 134-1257. Permitted uses.

(a) The permitted uses in the C-PC planned center district commercial district, with a maximum of 3,000 with no limitations on gross ~~leasable area (GLA) floor area (GFA)~~ are as follows:

(27) Maximum 3,000 square feet of ~~GLA GFA~~. All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.

(b) *Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than 3,000 gross floor feet of gross leasable area (GLA) shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter). However, all future changes of use shall be limited to those uses listed as permitted uses in subsection (a)*

of this section with a maximum ~~gross leasable area~~ of 3,000 gross ~~floor area~~ ~~square feet~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a ~~gross leasable area~~ exceeding 3,000 ~~square feet gross floor area~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 gross ~~square feet floor area~~, in a district with a 3,000-~~square foot gross floor area~~ limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. No existing commercial use which is subject to the 3,000 ~~square feet~~ maximum ~~gross leasable area (GLA) gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA) gross floor area~~ to more than 3,000 square feet.

Sec. 134-1259. Special exception uses.

(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-PC planned center district are as follows:

(11) All retail and personal service activities exceeding 3,000 square feet gross ~~leasable area floor area~~ not specifically cited under the permitted uses in subsection 134-1257(a)(2).

Sec. 134-1262. Lot, yard and area requirements – Generally.

(12) Floor area ratio. (FAR).
a. FAR of 1.0.

Section 12. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 12.- C-B COMMERCIAL DISTRICT, is hereby amended as follows:

DIVISION 12. C-B COMMERCIAL BUSINESS DISTRICT

Sec. 134-1301. Purpose.

The purpose of the C-B commercial business district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

(2) Create an environment especially suited to a group of professional and administrative offices compatible in appearance with single-family housing.

Sec. 134-1302. Permitted uses.

- (a) Enumeration; maximum gross leasable floor area. The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.
- (b) The permitted uses in the C-B commercial business district are as follows:

Sec. 134-1303. Accessory uses.

- (a) The accessory uses in the C-B commercial business district require a site plan and review as provided in article III of this chapter.
- (b) The accessory uses in the C-B commercial business district are as follows:

Sec. 134-1304. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial business district are as follows:

Sec. 134-1306. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-B commercial business district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten feet.

Sec. 134-1307. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1302 which involve more than 2,000 square feet of building floor area of buildings in the C-B commercial business district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

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

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

- (1) *Lot area.* The minimum lot area is 15,000 square feet.
- (2) *Lot width.* The minimum lot width is 100 feet.
- (3) *Lot depth.* The minimum lot depth is 150 feet.

(5) *Front yard.*

- a. For one-story buildings, the minimum front yard setback is ten feet.
- b. For two-story buildings, the minimum front yard setback is ten feet.
- c. The minimum front yard setback is 25 feet when applied to hotel uses and timesharing uses permitted as a special exception in a C-B business district.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 60 percent.
- b. For two-story buildings, the maximum lot coverage is 30 percent.
- c. The maximum lot coverage for two-story buildings is 50 percent when applied to hotel uses and timesharing uses permitted as a special exception in a C-B commercial business district.

(12) Floor area ratio. (FAR).

- a. The FAR of 1.0.

Sec. 134-1309. – Same – Exceptions.

- (a) In the C-B commercial business district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

Sec. 134-1310. – Commercial buildings.

IN addition to the site plan review required by article III of this chapter, the town council shall consider the following guidelines and development requirements in connection with such review of commercial buildings in the C-B commercial business zoning district:

Sec. 134-1311. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-B commercial business district are contained in article VIII of this chapter.

Sec. 134-1312. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-B commercial business district are contained in article IX of this chapter.

Sec. 134-1313. Signs.

The sign regulations which may be applicable in the C-B commercial business district are contained in article XI of this chapter.

Sec. 134-1315. Architectural tower features.

In the commercial business zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

Sec. 134-1316. Lot grade topography and drainage.

In the C-B commercial business district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Section 13. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 13.- C CONSERVATION DISTRICT, is hereby amended as follows:

Sec. 134-1351. Purpose.

~~The purpose of the C conservation district is to preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.~~

The purpose of the C conservation district is to:

(1) Implement the Conservation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.

~~(1)~~(2) Preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.

Section 13. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 14.- PUD PLANNED UNIT DEVELOPMENT DISTRICT, is hereby amended as follows:

~~Sec. 134-1391. Purpose.~~

~~The purpose of a PUD planned unit development district is to:~~

~~Encourage flexibility in the design and development of land in order to encourage its most appropriate use; Facilitate the adequate and economic provision of streets, utilities and public spaces; Preserve the natural and scenic qualities of open areas.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) = (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) = (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) = (h), 3-1-84; Ord. No. 1-85, § 2(g) = (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) = (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) = (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a) 1 = 7, 2-9-93)~~

~~Sec. 134-1392. Procedure for approval of planned unit development.~~

~~The procedure and requirements for approval of a planned unit development is in article V of this chapter.~~

~~Sec. 134-1393. Permitted uses.~~

~~The permitted uses in the PUD planned unit development district are as follows:~~

- ~~(1) Planned unit development, as provided in article V of this chapter.~~
- ~~(2) Golf course.~~
- ~~(3) Single-family dwellings.~~
- ~~(4) Essential services.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) = (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) = (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) = (h), 3-1-84; Ord. No. 1-85, § 2(g) = (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) = (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) = (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a) 1 = 7, 2-9-93; Ord. No. 16-2012, § 8, 12-12-12).~~

Sec. 134-1394. Accessory uses.

The accessory uses in the PUD planned unit development district are accessory uses customarily incident to the permitted or approved special exception uses:

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93.

Sec. 134-1395. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the PUD planned unit development zoning district are as follows:

(1)—Private social, swimming, golf, tennis and yacht clubs.

(2)—Municipally owned and operated parks and recreations areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 16, 12-12-12)

Sec. 134-1396. Lot, yard and area requirements.

In the PUD district, the schedule of lot, yard and area requirements as given in this section apply to single-family permitted uses which are not a part of a PUD application. See article V of this chapter for appropriate standards for all PUD districts:

(1)—*Lot area.* The minimum lot area is 20,000 square feet.

(2)—*Lot width.* The minimum lot width is 100 feet.

(3)—*Lot depth.* The minimum lot depth is 150 feet.

(4)—*Density.* The maximum density is two dwelling units per acre.

(5)—*Front yard.* The minimum front yard setback is 30 feet.

(6)—*Side yard.* The minimum side yard setback is 15 feet.

(7)—*Rear yard.* The minimum rear yard setback is 15 feet.

~~(8) *Height and overall height.* The maximum building height is 25 feet, not to exceed two stories.~~

~~(9) *Lot coverage.* The maximum lot coverage is 35 percent.~~

~~(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)–(e), 3-1-84; Ord. No. 1-85, § 2(b)–(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)–(d), 2-6-89; Ord. No. 1-90, § 2(a)–(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2–4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98.~~

~~(4) *Density.* The maximum density is two dwelling units per acre.~~

~~(5) *Front yard.* The minimum front yard setback is 30 feet.~~

~~(6) *Side yard.* The minimum side yard setback is 15 feet.~~

~~(7) *Rear yard.* The minimum rear yard setback is 15 feet.~~

~~(8) *Height and overall height.* The maximum building height is 25 feet, not to exceed two stories.~~

~~(9) *Lot coverage.* The maximum lot coverage is 35 percent.~~

~~(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)–(e), 3-1-84; Ord. No. 1-85, § 2(b)–(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)–(d), 2-6-89; Ord. No. 1-90, § 2(a)–(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2–4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98.~~

~~Sec. 134-1398. Off-street parking and loading.~~

~~The off-street parking or loading requirements which may be applicable in the PUD planned unit development district are contained in article IX of this chapter.~~

~~Sec. 134-1399. Signs.~~

~~The sign regulations which may be applicable in the PUD planned unit development district are contained in article XI of this chapter~~

~~Sec. 134-1400. Accessory structures.~~

~~*Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one~~

~~dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or~~

~~unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in the PUD zoning districts shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.~~

~~(Ord. No. 1-99, § 10, 4-5-99.)~~

~~Sec. 134-1401. Air conditioning and generator equipment.~~

~~Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.~~

~~(Ord. No. 1-99, § 11, 4-5-99.)~~

~~Sec. 134-1402. Lot grade topography and drainage.~~

~~In the PUD, planned unit development district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.~~

~~(Ord. No. 19-2021, § 5, 9-13-21)~~

~~Secs. 134-1403—134-1470. Reserved.~~

Sec. 134-1391. Approved PUDs.

All approved PUDs are vested for their existing development rights. Any proposed amendments to an approved PUD shall be processed pursuant to the provisions of this zoning code as amended from time to time.

Section 14. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 15.- BEACH AREA DISTRICT, is hereby amended as follows:

~~Sec. 134-1471. Location.~~

~~Certain lands in the town lying along the Atlantic Ocean and indicated on the zoning map are defined to be beach area, and are subject to the provisions of this division (see the accompanying zoning map as defined by section 134-752 for the specific location of the beach area).~~

~~(Ord. No. 2-74, § 5.47, 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93)~~

~~Sec. 134-147~~²¹. Purpose.

The purpose of the BA district is to:

- (1) Implement the Beach Area Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) To protect certain lands in the Town lying along the Atlantic Ocean and indicated on the Future Land Use and Zoning Maps to be Beach area and are subject to the provisions of this division.

Sec. 134-1473. Special exception uses and structures.

- (a) The special exception uses and structures require a site plan review as provided in article III of this chapter. The special exception uses in the B-A, Beach Area district are as follows:

- (1) One beach cabana house ~~structure~~.

Sec. 134-1474. Height, width and length limit for properties adjacent to properties in the R-B district.

- (2) Beach cabana houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean Boulevard.

Sec. 134-1475. Height, width and length limit for properties adjacent to properties in districts other than R-B.

- (3) The beach cabana house ~~structure~~ shall be set back not less than 35 feet from the west property line; and

Sec. 134-1476. Number of beach cabana house ~~buildings~~ and setback.

- (a) Not more than one beach cabana house ~~structure~~ shall be erected on property under single ownership, and not more than one beach cabana house ~~structure~~ shall be erected on a lot in accordance with the following minimum lot frontage requirement:

Section 15. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 15.- CI CULTURAL INSTITUTION DISTRICT, is hereby amended as follows:

Sec. 134-1482. Purpose.

The purpose of the CI Cultural Institution district is to:

(1) Implement the Private Group Use Future Land Use designation.

- ~~(2) The intent of the CI district is to p~~Provide for uses such as not-for-profit cultural and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of town-persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose, owned and operated by a single not-for-profit cultural and arts institution. A campus owned by a single not-for-profit cultural and arts institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this division and thus applied to the entire campus and not on an individual lot by lot basis.

Section 16. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 17.- PR PARKS AND RECREATION DISTRICT, is hereby amended as follows:

DIVISION 17. PR PARKS, AND RECREATION DISTRICT

Sec. 134-1501. Purpose and Intent

- (1) The purpose of the PR Parks and Recreation district is to implement the Recreation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) The PR Parks and Recreation district is intended for passive public parks and open space and active recreational uses and activities at a scale and intensity necessary to serve the needs of Town residents and to preserve the natural and scenic resources of the Town.

Sec. 134-1502. Permitted uses.

The permitted uses in the PR Parks and Recreation District are as follows:

- (1) Parks and recreational facilities owned, leased, or operated by the Town, by Palm Beach County, or by the Preservation Foundation.
- (2) Public and private gardens and passive parks.

Sec. 134-1503. Accessory uses.

The accessory uses in the PR Parks and Recreation District are as follows:

- (1) Maintenance buildings for the upkeep of active parks and recreational facilities.

Sec. 134-1504. Special exception uses.

The special exception uses in the PR Parks and Recreation District are as follows:

- (1) Golf courses, including private, semi-private, or public golf courses that are not owned, leased, or operated by the Town or Palm Beach County.
- (2) Indoor fitness centers owned and operated by the Town.
- (3) Ancillary restaurants to the parks and recreational facilities.

Sec. 134-1505. Development parameters

The development standards in the PR Parks and Recreation District are as follows:

- (1) Height.
No building or structure, or part thereof, shall be erected or altered to a height exceeding 30 feet.
- (2) Setbacks and landscape buffers.
- (3) The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering the proposed use and development of the park, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

Section 17. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 18.- PF PUBLIC FACILITIES DISTRICT, is hereby amended as follows:

DIVISION 18. PF PUBLIC FACILITIES DISTRICT

Sec. 134-1511. Purpose and Intent.

- (1) The purpose of the PF Public Facilities district is to implement the Town of Palm Beach Comprehensive Plan Public Future Land Use designation.
- (2) The PF Public Facilities district includes buildings that are owned, operated, and maintained by the Town of Palm Beach or another government entity for the use of Town persons. These facilities are intended to serve the needs of the Town, providing access to essential governmental services.

Sec. 134-1512. Permitted uses.

The permitted uses in the PF Public Facilities district are as follows:

- (1) Public buildings owned, leased, or operated by the Town or Palm Beach County, such as, but not limited to Town Hall, the Police and Fire Departments.
- (2) Public structures.
- (3) Essential services.

Sec. 134-1513. Development standards.

The development standards in the PF Public Facilities district are as follows:

- (1) Height.
No building or structure, or part thereof, shall be erected or altered to a height exceeding the tallest public building.
- (2) Setbacks and landscape buffers.
The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering the proposed use and development of the public facility, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

Section 18. 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 19. 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 20. Codification.

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

Section 21. 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

ARTICLE VI. DISTRICT REGULATIONS

<https://palmbeachfl.v8.civicclerk.com/MyClerk>

DIVISION 1. GENERALLY

Sec. 134-751. Establishment of districts.

For the purposes of protecting, promoting and improving the public health, safety, morals and the general welfare of the people, the town is divided into the following districts:

R-AA	Large estate residential
R-A	Estate residential
R-B	Low-density residential
R-C	Medium-density residential
R-D(1)	Moderate High-density residential
R-D(2)	High-density residential
C-TS	Commercial—Town serving
C-WA	Commercial—Worth Avenue
C-OPI	Commercial—Offices, professional and institutional
C-PC	Commercial—Planned center
C-B	Commercial; offices -business
C	Conservation
PUD-A	Approved Planned Unit Development - The Breaker's Property
PUD-B	Approved Planned Unit Development – Tres Vidas Property
PUD-C	Approved Planned Unit Development – Sloan's Curve Property
Beach area	Beach area
PR	Parks and recreation
PF	Public facilities

(Ord. No. 2-74, § 3.10, 3-26-74; Ord. No. 5-78, § 9, 3-31-78; Ord. No. 7-78, § 3, 5-9-78; Ord. No. 4-80, § 2, 3-31-80)

Sec. 134-752. Zoning map.

- (a) The boundaries of the districts are as shown upon the Official zoning map of the 2024 Comprehensive Plan Map Series, which was adopted by the Town Council on February 12, 2024, as a part of Ordinance No. 15-2024, and amended from time to time

~~reference and made a part of this chapter and is entitled "Amended Zoning Map of the Town of Palm Beach, Florida," which original amended map bears the following legend: "Adopted March 26, 1974, as a part of Ordinance No. 2-74."~~

- (b) Following the legend in subsection (a) of this section appear the original signatures of the members of the town council signing such ordinance, the signatures of the mayor and the town clerk, and the corporate seal of the town.
- (c) The amended zoning map and all the notations, references and other information shown thereon are a part of this chapter as if such information set forth on the map were all fully described and set out in this chapter. This amended zoning map, properly attested, shall remain at all times on file in the office of the town clerk. The boundaries of such districts as are shown upon the map adopted by this section or any subsequent amendment thereto are adopted and approved, and the regulations of this chapter governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as set forth in this chapter are established and declared to be in effect upon all land included within the boundaries of each and every district shown upon such map.

(Ord. No. 2-74, § 3.20, 3-26-74)

Sec. 134-753. Interpretation of boundaries.

- (a) In the creation, by this chapter, of the respective zoning districts, the town council has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the town.
- (b) Where uncertainty exists as to boundaries of any district, the following shall apply:
 - (1) Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
 - (2) In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the boundary is indicated by dimensions, shall be determined by use of the scale appearing on the map.
 - (3) Where any street or alley is officially vacated or abandoned subsequent to the effective date of the ordinance from which this chapter is derived, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

- (4) Where a district boundary line divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived, the town council may, in its discretion, permit a use authorized in either portion of such lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the district in which such use is authorized.
- (5) Where district boundary lines are indicated on the amended zoning map as intersecting the waters of Lake Worth or the bulkhead or pierhead lines, such district boundary lines shall be construed to extend westward in the same general direction as indicated on the map to the westerly corporate limits of the town, and all water and land existing shall be included within the district boundary lines and therefore zoned accordingly.
- (6) When parcels of land have been annexed to or consolidated with the corporate limits of the town as the result of action of the state legislature or when parcels of land come within the jurisdiction of the town in any other manner, the parcels of land shall be classified as R-A until changed by ordinance by the town council following public hearing as prescribed by law.

(Ord. No. 2-74, § 3.30, 3-26-74)

Sec. 134-754. Schedules of regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in divisions 2 through 15 of this article which are supplemented by other sections of this chapter. The schedule of lot, yard and bulk regulations in this article for each district sets forth certain minimum and maximum criteria forming the building envelope within which development may occur. These regulations are not intended to allow maximum development under many of the possible combinations of the minimum and maximum thresholds set forth in divisions 2 through 15 of this article.

(Ord. No. 2-74, § 4.10, 3-26-74; Ord. No. 9-93, § 2(a), 6-8-93)

Sec. 134-755. Application of regulations.

Except as provided in this chapter:

- (1) No building shall be erected, added on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations established by this chapter for the district in which the building or land is located.

- (2) The minimum yards and other open spaces, including the intensity of use provisions contained in this chapter for each building erected, added on to, reconstructed or structurally altered subsequent to the effective date of the ordinance from which this chapter is derived shall not be encroached upon or considered as a compliance with yard or open space requirements for any other building or adjoining building. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter except as provided in this chapter, and, if already less than the minimum required by this chapter, the area or dimension may be continued. Lots or yards created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.
- (3) Every building erected, added on to, reconstructed or structurally altered subsequent to the effective date of the ordinance from which this chapter is derived shall be located on a lot fronting on either a private or public street.
- (4) Land areas of a proposed development site required to be included in computations for meeting requirements on percentage of lot coverage, and on open yard areas of a lot, must be land having the same zoning classification as that zoning in which the principal building or use is located.
- (5) For the purpose of calculating the permissible number of dwelling units per acre in this chapter, such calculations shall be based on an acre containing ~~40,000~~ 43,560 square feet. When multiplying the size of a lot by 43,560 square feet and the total is not a whole number, round down to determine the permissible number of dwelling units.
- (6) No building or land shall be used for casino gambling.
- (7) In all zoning districts, no building or structure may exceed 100 feet in height above the natural grade unless notice and approval by the Federal Aviation Administration (FAA) under 14 CFR, part 77, specifically part 77.13, has occurred. Should the FAA find such building or structure would exceed an obstruction standard, said building or structure shall not be permitted under the provisions of Chapter 333, Florida Statute, State Statute 333.025(1).

(Ord. No. 2-74, § 4.20, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 7-79, § 5, 3-30-79; Ord. No. 1-85, § 2(a), 2-11-85; Ord. No. 1-87, § 2(a), (d), 2-9-87; Ord. No. 1-99, § 8, 4-5-99)

Secs. 134-756—134-785. Reserved.

DIVISION 2. R-AA LARGE ESTATE RESIDENTIAL DISTRICT

Sec. 134-786. Purpose.

The purpose of the R-AA large estate residential district is to:

- (1) **Implement the Single-Family Residential Future Land Use designation.**
- (2) **Provide** for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to~~ **Protect** and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-787. Permitted uses.

The permitted uses in the R-AA large estate residential district are as follows:

- (1) Single-family dwellings.
- (2) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 1, 12-12-12)

Sec. 134-788. Accessory uses.

The accessory uses in the R-AA large estate residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-01, § 2, 2-19-01; Ord. No. 04-2018, § 7, 4-11-18)

Sec. 134-789. Prohibited uses.

The specific prohibited uses of buildings or land in the R-AA large estate residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the town. No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited. Additionally, executive/employee/group vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 04-2018, § 8, 4-11-18)

Sec. 134-790. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-AA large estate residential district are as follows:

- (1) **Approved** Planned unit development, PUD-4 (see article V of this chapter for standards).
- (2) Public structures.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach **cabana** houses intended for the use of family and guests.
- (5) Municipally owned and operated parks and recreation areas.
- (6) Private social, swimming, golf, tennis and yacht clubs, and houses of worship in existence prior to January 1, 1996.
- (7) Supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- (8) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- (9) Group home with up to six occupants.
- (10) Foster care facility with up to six occupants.
- (11) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 5, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 1-04, § 8, 3-9-04; Ord. No. 16-2012, § 9, 12-12-12; Ord. No. 02-2019, § 3, 3-19-19)

Sec. 134-791. Accessory structures.

- (a) *Accessory structures in R-AA district.* Accessory structures in the R-AA large estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-AA district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
 - (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed" or "partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
 - (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall have a minimum ten foot side and rear yard setback, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (5) Nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the main residence within the building lines as

provided in this chapter. Such enclosed accessory building shall be used only for occupancy of nonpaying guests of the owners of the main residence or bona fide members of the family or servants, and no kitchen or cooking facilities shall be constructed or used therein except by submission of a written agreement with the town stating that such accessory structure will be used only by family members or household staff and approval of the planning, zoning and building director or his designee.

- (6) Accessory structures in the R-AA district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on a building lot. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 1-02, § 5, 3-12-02; Ord. No. 17-2019, § 1, 6-12-19; Ord. No. 16-2021, § 2, 8-11-21)

Sec. 134-792. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-AA large estate residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

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

- (a) *Schedule of regulations.* In the R-AA large estate residential district, the schedule of lot, yard and area requirements is as given in this section.
- (1) *Lot area.* The minimum lot area is 60,000 square feet; except that any property to be developed which consists of two or more lots shall have a minimum lot area of 40,000 square feet for each lot, and that the average lot area of all lots to be developed shall not be less than 60,000 square feet.
 - (2) *Lot width.* The minimum lot width is 150 feet.
 - (3) *Lot depth.* The minimum lot depth is 150 feet.
 - (4) *Density.* The maximum density is one dwelling unit per 1½ acres.
 - (5) *Front yard.* The minimum front yard setback is 35 feet.
 - (6) *Building angle of vision.* The base building angle of vision is 100 degrees.

- a. The building angle of vision shall not apply for one-story buildings.
 - b. The building angle of vision shall not apply to buildings on lots fronting on cul-de-sacs.
 - c. For lots exceeding the minimum required width, the base building angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 50 feet in the R-AA district.
 - d. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
 - e. In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
 - f. For exceptions to these regulations, see section 134-795.
 - g. For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.
- (7) *Building height plane.* The building height plane regulations are as follows: two feet of front setback for each one foot in building height.
- a. No portion of any building or building roof system shall extend beyond a height limiting plane extending at an inclined angle from the intersection of the front yard property line and the zero datum grade for a lot or the minimum flood elevation as established in chapter 50, whichever is higher, as defined by height of building and overall height of building.
 - b. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building height plane shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.

- c. In the case of other corner or through lots, the building height plane shall be applied only to the front yard as determined by the orientation of the building.
 - d. The granting of a variance for measurement for building height for ground levels above the minimum flood elevation as required in chapter 50 or zero datum grade is not intended to modify the location of the building height plane.
 - e. For exceptions to these regulations, see section 134-796.
- (8) *Side yard.* The minimum side yard setback is 30 feet.
- (9) *Rear yard.* The minimum rear yard setback is 15 feet.
- (10) *Height and overall height.*
- a. The maximum building height is 30 feet, not to exceed two stories.
 - b. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (11) *Lot coverage.*
- a. The maximum lot coverage for one-story buildings is 25 percent.
 - b. The maximum lot coverage for two-story buildings is 25 percent.
- (12) *Landscaped open space.*
- a. The minimum landscaped open space is 55 percent.
 - b. Additionally, not less than 45 percent of the required front yard must be landscaped open space in the R-AA district.
- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-AA zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

(Ord. No. 2-74, schedule A, § 5.11, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, §§ 8, 11, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-03, § 14, 3-11-03; Ord. No. 1-04, § 13, 3-9-04; Ord. No. 4-2016, §§ 3, 4, 4-13-16; Ord. No. 15-2017, § 2, 7-12-2017)

Sec. 134-794. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-AA large estate residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district, may be enlarged with a first story and/or second story addition, provided:
 - (1) The addition complies with the current schedule of lot, yard and bulk regulations for this district; and
 - (2) The addition does not cause the dwelling to have more cubic content than allowed a new such dwelling under the current schedule of lot, yard and bulk regulations for this district.
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04)

Sec. 134-795. Same—Exceptions to yard regulations.

In the R-AA large estate residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.
- (2) A first floor front entry ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.
- (3) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion will increase lot coverage of the principal structure above the allowed percentage.
- (4) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (5) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(Ord. No. 2-74, § 5.31, 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 1, 7-9-02; Ord. No. 19-2021, § 2, 9-13-21)

Sec. 134-796. Exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-AA large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for

reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flag-pole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar materials shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.

- (b) In the R-AA zoning district, observation towers may be constructed as an integral part of a single-family dwelling. The height of such tower may exceed the allowable building height limit and overall building height limit of the dwelling by ten feet. The area of such tower shall not exceed one percent of the gross floor area of the dwelling. It is also the intent that this subsection not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.22, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 7-79, § 9, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(c), 3-31-82; Ord. No. 2-83, § 4(c), 2-23-83; Ord. No. 1-84, § 3(a), 3-1-84; Ord. No. 1-85, § 3(a), 2-11-85; Ord. No. 1-90, § 3(b)—(d), 2-5-90; Ord. No. 1-96, §§ 12, 13, 2-5-96; Ord. No. 1-98, § 7, 2-9-98; Ord. No. 1-04, § 46, 3-9-04; Ord. No. 2-05, § 4, 5-10-05; Ord. No. 7-09, §§ 1, 6, 5-13-09; Ord. No. 16-09, § 7, 11-12-09; Ord. No. 04-2018, § 9, 4-11-18)

Editor's note(s)—Section 6 of Ord. No. 7-09, adopted May 13, 2009, states the following:

"Section 6. The newly adopted provisions contained herein relating to flag poles and flags shall not be applicable retrospectively to flags or flag poles permitted prior to the adoption of Ordinance No. 7-09 or, in the event not granted by permit, which have been in continuous existence for a period of three years or more prior to the adoption of this ordinance."

Sec. 134-797. Lot grade topography and drainage.

In the R-AA, large estate residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 33, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-798. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-AA large estate residential district are contained in article VIII of this chapter.

Sec. 134-799. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-AA large estate residential district are contained in article IX of this chapter.

Sec. 134-800. Signs.

The sign regulations which may be applicable in the R-AA large estate residential district are contained in article XI of this chapter.

Sec. 134-801. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-802—134-835. Reserved.

DIVISION 3. R-A ESTATE RESIDENTIAL DISTRICT

Sec. 134-836. Purpose.

The purpose of the R-A large estate residential district is to:

- (1) ~~Implement the Single-Family Residential Future Land Use designation.~~
- (2) ~~p~~Provide for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~Protect and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-837. Permitted uses.

The permitted uses in the R-A estate residential district are as follows:

- (1) Single-family dwellings.
- (2) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 2, 12-12-12)

Sec. 134-838. Accessory uses.

The accessory uses in the R-A estate residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the town's municipal limits provided such parking is located a minimum 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-01, § 2, 2-19-01; Ord. No. 04-2018, § 10, 4-11-18)

Sec. 134-839. Prohibited uses.

The specific prohibited uses of buildings or land in the R-A estate residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the town, no person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.

- (3) Executive/employee/group vacation retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 04-2018, § 11, 4-11-18)

Sec. 134-840. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-A estate residential district are as follows:

- (1) **Approved** Planned unit development (see article V of this chapter for standards).
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach **cabana** houses intended for the use of family and guests.
- (5) Municipally owned and operated parks and recreation areas.
- (6) Private social, swimming, golf, tennis and yacht clubs, and houses of worship in existence prior to January 1, 1996.
- (7) Supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- (8) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- (9) Group home with up to six occupants.
- (10) Foster care facility with up to six occupants.
- (11) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and

provides prior written approval from all governmental agencies having jurisdiction.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 5, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 1-04, § 8, 3-9-04; Ord. No. 16-2012, § 10, 12-12-12; Ord. No. 04-2018, § 12, 4-11-18; Ord. No. 02-2019, § 4, 3-19-19)

Sec. 134-841. Accessory structures.

- (a) *Accessory structures in R-A district.* Accessory structures in the R-A estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-A district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
 - (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
 - (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall have a minimum ten foot side and rear yard setback lot with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal

structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

- (5) Nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the main residence within the building lines as provided in this chapter. Such enclosed accessory building shall be used only for occupancy of nonpaying guests of the owners of the main residence or bona fide members of the family or servants, and no kitchen or cooking facilities shall be constructed or used therein except by submission of a written agreement with the town stating that such accessory structure will be used only by family members or household staff and approval of the planning, zoning and building director or his designee.
- (6) Accessory structures in the R-A district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed two meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on a building lot. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed eight feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed eight feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and

character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 1-02, § 5, 3-12-02; Ord. No. 17-2019, § 2, 6-12-19; Ord. No. 16-2021, § 3, 8-11-21)

Sec. 134-842. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-A estate residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

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

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

- (1) *Lot area.* The minimum lot area is 20,000 square feet.
- (2) *Lot width.* The minimum lot width is 125 feet.
- (3) *Lot depth.* The minimum lot depth is 150 feet.
- (4) *Density.* The maximum density is two dwelling units per acre.

- (5) *Front yard.* The minimum front yard setback is 35 feet.
- (6) *Building angle of vision.* The base building angle of vision is 100 degrees.
- a. The building angle of vision shall not apply for one-story buildings.
 - b. The building angle of vision shall not apply to buildings on lots fronting on cul-de-sacs.
 - c. For lots exceeding the minimum required width, the base building angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 50 feet in the R-A district.
 - d. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
 - e. In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
 - f. For exceptions to these regulations, see section 134-845.
 - g. For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as a separate structure and individually subject to the building angle of vision.
- (7) *Building height plane.* The building height plane regulations are as follows: two feet of front setback for each one foot in building height.
- a. No portion of any building or building roof system shall extend beyond a height limiting plane extending at an inclined angle from the intersection of the front yard property line and the zero datum grade for a lot or the minimum flood elevation as established in chapter 50, whichever is higher, as defined by height of building and overall height of building.
 - b. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building height plane shall be applied only to the frontage along the designated primary north-south roadway:

North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.

- c. In the case of other corner or through lots, the building height plane shall be applied only to the front yard as determined by the orientation of the building.
 - d. The granting of a variance for measurement for building height for ground levels above the minimum flood elevation as required in chapter 50 or zero datum grade is not intended to modify the location of the building height plane.
 - e. For exceptions to these regulations, see section 134-846.
- (8) *Side yard.* The minimum side yard setback is 15 feet, except that for lots of 60,000 square feet or more in area, the minimum side yard setback shall be 30 feet.
- (9) *Rear yard.* The minimum rear yard setback is 15 feet.
- (10) *Height and overall height.*
- a. The maximum building height is 25 feet, not to exceed two stories.
 - b. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (11) *Lot coverage.*
- a. The maximum lot coverage for one-story buildings is 25 percent.
 - b. The maximum lot coverage for two-story buildings is 25 percent.
- (12) *Landscaped open space.*
- a. The minimum landscaped open space is 50 percent.
 - b. Additionally, not less than 45 percent of the required front yard must be landscaped open space in the R-A district.
- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-A zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single family dwelling meets all other Town Code requirements.

(Ord. No. 2-74, schedule A, §§ 5.11, 5.15(c), 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 1-93, § 3(a), 2-8-93; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 10-95, § 1(a), 1-23-95; Ord. No. 1-96, §§ 8, 11, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 6, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 6, 3-12-02; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-03, § 15, 3-11-03; Ord. No. 1-04, § 14, 3-9-04; Ord. No. 4-2016, § 3, 4, 4-13-16; Ord. No. 15-2017, § 3, 7-12-2017)

Sec. 134-844. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-A estate residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district, may be enlarged with a first story and/or second story addition, provided:
 - (1) The addition complies with the current schedule of lot, yard and bulk regulations for this district; and
 - (2) The addition does not cause the dwelling to have more cubic content than allowed a new such dwelling under the current schedule of lot, yard and bulk regulations for this district.
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04)

Sec. 134-845. Same—Exceptions to yard regulations.

In the R-A estate residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay

windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.

- (2) A first floor unenclosed front entry ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.
- (3) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion will increase lot coverage of the principal structure above the allowed percentage.
- (4) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (5) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(Ord. No. 2-74, § 5.31, 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 1, 7-9-02; Ord. No. 19-2021, § 2, 9-13-21)

Sec. 134-846. Exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-A large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or

similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar material shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.

- (b) In the R-A zoning district, observation towers may be constructed as an integral part of a single-family dwelling. The height of such tower may exceed the allowable building height limit and overall building height limit of the dwelling by ten feet. The area of such tower shall not exceed one percent of the gross floor area of the dwelling. It is also the intent that this subsection not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.22, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 7-79, § 9, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(c), 3-31-82; Ord. No. 2-83, § 4(c), 2-23-83; Ord. No. 1-84, § 3(a), 3-1-84; Ord. No. 1-85, § 3(a), 2-11-85; Ord. No. 1-90, § 3(b)—(d), 2-5-90; Ord. No. 1-96, §§ 12, 13, 2-5-96; Ord. No. 1-98, § 7, 2-9-98; Ord. No. 1-04, § 47, 3-9-04; Ord. No. 2-05, § 5, 5-10-05; Ord. No. 7-09, §§ 2, 6, 5-13-09; Ord. No. 16-09, § 8, 11-12-09; Ord. No. 04-2018, § 13, 4-11-18)

Editor's note(s)—Section 6 of Ord. No. 7-09, adopted May 13, 2009, states the following:

"Section 6. The newly adopted provisions contained herein relating to flag poles and flags shall not be applicable retrospectively to flags or flag poles permitted prior to the adoption of Ordinance No. 7-09 or, in the event not granted by permit, which have been in continuous existence for a period of three years or more prior to the adoption of this ordinance."

Sec. 134-847. Lot grade, topography and drainage.

In the R-A, estate residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600 which meets the paving and drainage requirements of the town. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 34, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-848. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-A estate residential district are contained in article VIII of this chapter.

Sec. 134-849. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-A estate residential district are contained in article IX of this chapter.

Sec. 134-850. Signs.

The sign regulations which may be applicable in the R-A estate residential district are contained in article XI of this chapter.

Sec. 134-851. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-852—134-885. Reserved.

DIVISION 4. R-B LOW DENSITY RESIDENTIAL DISTRICT

Sec. 134-886. Purpose.

The purpose of the R-B low density residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~Provide for low density single-family residential use, as that term is defined in section 134-2, of moderately spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to~~ ~~p~~Protect and preserve existing development of this character and contains vacant land considered appropriate for such development in the future.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-887. Permitted uses.

The permitted uses in the R-B low density residential district are as follows:

- (1) Single-family dwellings.
- (2) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 2-05, § 10, 5-10-05; Ord. No. 10-2012, § 3, 9-11-12; Ord. No. 16-2012, § 3, 12-12-12)

Sec. 134-888. Accessory uses.

The accessory uses in the R-B low-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private ~~social, swimming, golf, tennis and yacht~~ clubs, for construction related personal employee vehicular off-street parking for projects within the town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business except such uses as may be associated with the town's operation of its municipal dock, golf course and tennis court facilities.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-01, § 2, 2-19-01; Ord. No. 2-05, § 11, 5-10-05; Ord. No. 26-10, § 18, 12-15-10; Ord. No. 04-2018, § 14, 4-11-18)

Sec. 134-889. Prohibited uses.

The specific prohibited uses of buildings or land in the R-B low-density residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the town. No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to

corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (3) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 04-2018, § 15, 4-11-18)

Sec. 134-890. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-B low-density residential district are as follows:

- (1) **Approved** Planned unit development, PUD(1) (see article V of this chapter for standards).
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach **cabana** houses intended for the use of family and guests.
- (5) Public and private academic schools.
- (6) Private ~~social, swimming, golf, tennis and yacht~~ clubs, and houses of worship in existence prior to January 1, 1996.
- (7) Churches and synagogues and other houses of worship.
- (8) Required off-street parking in accordance with subsection 134-2177(3) and supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- (9) Nonprofit cultural centers.

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- (10) Municipally owned or operated parking areas.
- (11) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- (12) Group home with up to six occupants.
- (13) Foster care facility with up to six occupants.
- (14) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental.
- (15) Municipally owned and operated parks and recreation centers.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 5, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 16-2012, § 11, 12-12-12; Ord. No. 04-2018, § 16, 4-11-18; Ord. No. 02-2019, § 5, 3-19-19)

Sec. 134-891. Accessory structures.

- (a) *Accessory structures in R-B district.* Accessory structures in the R-B low density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-B district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
 - (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.

Lot Size (square feet)	Maximum Story Height	Maximum Building Height
Up to 20,000	1	15 feet overall
20,000 [and more]	2	25 feet overall, provided unity of title deed restriction is furnished prohibiting any division of the lot which would leave less than 20,000 square feet

- (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall have a minimum ten foot side and rear setback with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of a one-story garage in a street side yard based on section 134-1576 of this chapter and garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
- (5) In the R-B district, nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the main residence within the building lines as provided in this chapter. Such enclosed accessory building shall be used only for the occupancy of nonpaying guests of the owners of the main residence or bona fide members of the family or servants, and no kitchen or cooking facilities shall be constructed or used therein except by submission of a written agreement with the town stating that such accessory structure will be used only by family members or household staff and approval of the planning, zoning and building director or his designee.
- (6) Accessory structures in the R-B district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this

chapter applicable to accessory structures. Dish antennas shall not exceed two meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on a building lot. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed eight feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed eight feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-57 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 1-02, § 5, 3-12-02; Ord. No. 2-05, § 7, 5-10-05; Ord. No. 17-2019, § 3, 6-12-19; Ord. No. 16-2021, § 4, 8-11-21)

Sec. 134-892. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-B low-density residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be

terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

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

- (a) In order to protect the unique, residential character of Seaview Avenue, Seaspray Avenue and Seabreeze Avenue (Sea Streets), partial or complete demolition and reconstruction of a single-family dwelling and/or accessory buildings on a lot 75 feet or less in width are exempt from the lot, yard, and area requirements as set forth in this section if redeveloped substantially on the same footprint as existed prior to demolition provided the following conditions are met:
- (1) The proposed single-family dwelling and/or accessory buildings are of an architectural style consistent with the architecture of the single-family dwellings within the R-B zoning district on both sides of the subject street, between the intersecting streets in both directions, where the dwelling is situated, as determined by the architectural commission.
 - (2) The proposed single-family dwelling and/or accessory building(s) shall meet the requirements in subsection (c) of this section.
 - (3) If the existing footprint of the single-family dwelling and/or accessory building(s) lay within five feet of a side or rear lot line, the replacement footprint must be shifted such that an absolute minimum five foot side and rear lot line setback is created, and further the redeveloped home must be situated at least ten feet apart from any structure on a neighboring lot.
 - (4) The height and overall height from the point of measurement of the proposed single-family dwelling and/or accessory buildings are no higher than the dwelling and/or accessory buildings being demolished.
 - (5) Any square footage added to the proposed single-family dwelling and/or accessory buildings shall meet all lot, yard and bulk zoning requirements in the Code.
 - (6) If using the provisions of this subsection (a) above, no variances can be requested for any new additions which add additional square footage or cubic content than existed prior to demolition of a single-family dwelling and/or accessory buildings.

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

- (1) *Lot area.* The minimum lot area is 10,000 square feet. For lots of 20,000 or more square feet in the R-B district, except for those lots between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth, the following shall apply:
- a. When the width of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum side yard setback and building angle of vision provisions of the R-A district.
 - b. When the width of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the building angle of vision provisions of the R-AA district, and lots of 150 feet or more in width shall have the following side yard setbacks: Lots of 150-154 feet in width are required to have a 17.5 foot setback; lots of 155—159 feet in width are required to have a 20-foot setback; and for lots of 160 feet or more in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet.
 - c. When the depth of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-A district.
 - d. When the depth of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-AA district.
 - e. When the area of a lot in the R-B district is equal to or greater than 20,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-A district, except that the maximum allowable lot coverage for single-story development shall be 30 percent.
 - f. When the area of the lot is equal to or greater than 60,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-AA district, except the minimum allowable lot coverage for single-story development shall be 30 percent.

- g. The provisions in subsections (1)a. through f. above do not apply to lots 20,000 square feet or greater in area between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth.
- (2) *Lot width.* The minimum lot width is 100 feet.
- (3) *Lot depth.* The minimum lot depth is 100 feet.
- (4) *Density.* The maximum density is four dwelling units per acre.
- (5) *Front yard.*
 - a. The minimum front yard setback for the first story is 25 feet, however the front yard setback may be reduced to a minimum of 20 feet, or portion thereof, provided the required rear yard setback for the first story is increased by the amount of reduction in the front yard.
 - b. The minimum front yard setback for the second story is 30 feet, however the front yard setback may be reduced to a minimum of 25 feet, or portion thereof, provided the required rear yard setback for the first and second story is increased by the amount of reduction in the front yard.
- (6) *Building angle of vision.* The base building angle of vision is 100 degrees.
 - a. The building angle of vision shall not apply for one-story buildings.
 - b. The building angle of vision shall not apply to buildings on lots fronting on cul-de-sacs.
 - c. For lots exceeding the minimum required width, the base angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 40 feet in the R-B district.
 - d. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
 - e. In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
 - f. For exceptions to these regulations, see section 134-895.

- g. For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.
- (7) *Side yard.*
- a. The minimum side yard setback for the first story shall be 12½ feet.
 - b. The minimum side yard setback for the second story shall be 15 feet.
- (8) *Rear height plane setback.* 25 feet.
- (9) *Rear yard.*
- a. The minimum rear yard setback for the first story is ten feet except as provided for in subsection (5)a.
 - b. The minimum rear yard setback for the second story is 15 feet except as provided for in subsection (5)b.
- (10) *Height and overall height.*
- a. For one-story buildings, the maximum building height is 14 feet.
 - b. For two-story buildings, the maximum building height is 22 feet.
 - c. Maximum overall height of a building in the R-B district shall be the maximum allowable building height plus three feet for a flat roof and eight feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (11) *Lot coverage.*
- a. The maximum lot coverage for one-story buildings is 40 percent.
 - b. The maximum lot coverage for two-story buildings is 30 percent.
- (12) *Landscape open space.*
- a. The minimum landscaped open space is 45 percent, of which 50 percent of that percentage is required to be perimeter landscaping within ten feet of the

property line. The perimeter landscaped open space requirement shall not apply to lots 20,000 square feet or more in area.

- b. Additionally, not less than 40 percent of the required front yard must be landscaped open space in the R-B district.

(13) *Cubic content ratio.*

- a. The maximum cubic content ratio shall be as follows:
 - 1. For lots of less than 10,000 square feet, the maximum allowable CCR shall be calculated as follows: $4.00 + [(10,000 - \text{the lot size}) \div 10,000]$.
 - 2. For lots between 10,000 and 60,000 square feet which are not identified in subsection 4 of this section, the maximum allowable CCR shall be calculated as follows: $3.50 + [(60,000 - \text{the lot size}) \div 50,000] \times 0.5$.
 - 3. For lots of greater than 60,000 square feet which are not identified in subsection 4 of this section, the maximum allowable CCR shall be 3.50.
 - 4. For lots of 20,000 square feet or greater which are adjacent to the waters of Lake Worth from Dunbar Road to Reef Road, the maximum allowable CCR shall be 4.50. For purposes of determining whether a lot is adjacent to the waters of Lake Worth, the traversing of all or a portion of the lot by Lake Trail shall not be considered when determining that adjacency.
- (5) Exceptions. One architectural tower feature involving no habitable space, as otherwise permitted under subsection 134-896(b), shall not be counted in calculating the cubic content of the structure. Unenclosed loggias, pergolas, porches, terraces and covered patios located on the first floor shall be excluded from the calculation of total cubic content up to 5% of allowable cubic content. Portions of unenclosed structures in excess of the 5% maximum, as well as those located above the first floor, shall be included in the calculation of total cubic content. Such appurtenances so erected may not in the future be enclosed or converted to permanent additions to the structure if such conversion would increase the cubic content of the structure beyond that allowed by the applicable cubic content ratio.
- b. For purposes of calculating the cubic content ratio, lot size shall be rounded to the nearest 100 square feet. For purposes of computing the resultant cubic content, the cubic content ratio shall be rounded to two decimal places. A table illustrating the cubic content ratio and associated cubic

content for varying lots sizes resulting from the application of the above formulas is provided as attachment A to this chapter. This table also provides approximations of the likely floor areas achievable at varying average building heights.

- (c) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-B zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Code requirements.

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

(Ord. No. 2-74, schedule A, §§ 5.11, 5.15(c), 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 1-93, § 3(a), 2-8-93; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 10-95, § 1(a), 1-23-95; Ord. No. 1-96, §§ 8, 11, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 6, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-99, §§ 12—16, 4-5-99; Ord. No. 1-01, §§ 1, 3, 4, 2-19-01; Ord. No. 1-02, § 7, 3-12-02; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-03, §§ 16, 20, 3-11-03; Ord. No. 1-05, § 4, 3-8-05; Ord. No. 5-09, § 37, 4-15-09; Ord. No. 12-09, §§ 1, 2, 6-10-09; Ord. No. 16-09, § 2, 11-12-09; Ord. No. 4-10, § 3, 2-10-10; Ord. No. 3-2012, § 2, 4-11-12; Ord. No. 4-2016, §§ 3, 4, 4-13-16; Ord. No. 16-2016, § 1, 12-14-16; Ord. No. 15-2017, § 4, 7-12-2017; Ord. No. 04-2018, § 17, 4-11-18)

Sec. 134-894. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-B low density residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district, may be enlarged with a first story and/or second story addition, provided:
- (1) The addition complies with the current schedule of lot, yard and bulk regulations for this district; and

- (2) The addition does not cause the dwelling to have more cubic content than allowed a new such dwelling under the current schedule of lot, yard and bulk regulations for this district.
 - (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
 - (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.
- (Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04)

Sec. 134-895. Same—Exceptions to yard regulations.

In the R-B low-density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.
- (2) A first floor unenclosed front entry ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback
- (3) First floor main entrance covered ramps porches, open terraces, and/or steps may extend six feet into the required front yard setback. In addition, entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required setback.
- (4) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Said awnings and/or trellises so erected shall not count in the cubic content ratio calculations and

shall not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(Ord. No. 2-74, § 5.31, 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 1, 7-9-02; Ord. No. 04-2018, § 18, 4-11-18; Ord. No. 19-2021, § 2, 9-13-21)

Sec. 134-896. Special exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B low density district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar [material] shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.
- (b) In the R-B zoning district, one architectural tower feature may be constructed as an integral part of a single-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a

house in the R-B zoning district. It is also the intent that this subsection not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.22(a), 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 7-79, § 9, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(c), 3-31-82; Ord. No. 2-83, § 4(c), 2-23-83; Ord. No. 1-84, § 3(a), 3-1-84; Ord. No. 1-85, § 3(a), 2-11-85; Ord. No. 1-90, § 3(b)—(d), 2-5-90; Ord. No. 1-96, §§ 12, 13, 2-5-96; Ord. No. 1-98, § 7, 2-9-98; Ord. No. 1-99, § 17, 4-5-99; Ord. No. 7-09, §§ 3, 6, 5-13-09; Ord. No. 16-09, § 9, 11-12-09; Ord. No. 04-2018, § 20, 4-11-18)

Editor's note(s)—Section 6 of Ord. No. 7-09, adopted May 13, 2009, states the following:

"Section 6. The newly adopted provisions contained herein relating to flag poles and flags shall not be applicable retrospectively to flags or flag poles permitted prior to the adoption of Ordinance No. 7-09 or, in the event not granted by permit, which have been in continuous existence for a period of three years or more prior to the adoption of this ordinance."

Sec. 134-897. Special exceptions to height regulations.

- (a) In the R-B low density residential district, in order to encourage meritorious architectural design, variety in the setback of structures, increased open space and landscaped open space, reduced lot coverage, and reduced cubic content ratio, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height requirements in sections 134-1606 and 134-1607 in the R-B zoning district, provided the special exception meets the standards of sections 134-227 through 134-233 and the goals, standards, and guidelines set forth in this section. The town council shall find that:
- (1) The proposed increase in height for a contemplated special exception structure is in the public interest.
 - (2) The structure is compatible with the site, adjacent properties and the neighborhood after consideration of:
 - a. The general form of the land before and after development or redevelopment;
 - b. The spatial relationships of the structures and open spaces to nearby land uses, including positioning of the building, transition in height and number of stories, garage placement, landscaping, and other site improvements;

- c. The appearance, including building bulk, proportion, scale, massing, materials, colors, and architectural details, of buildings and open spaces as they contribute to the surrounding area; and
 - d. The protection of neighboring owners and uses by ensuring that reasonable provision has been made for such matters as surface water drainage, sound and sight buffers, the preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.
- (b) The maximum allowable overall height under this section shall be 35 feet for a two-story structure with a pitched roof and 30 feet for a two-story structure with a flat roof, provided the following standards are met:
- (1) A maximum of 50 percent of the second story may be requested for a special exception to permitted overall height requirements. In addition, a minimum of 50 percent of the first floor shall be retained as one story, with the height not to exceed 20 feet overall for pitched roofs and 17 feet overall for flat roofs. (Note: It is not the intent of this section to discourage other portions of the second story to be built at 30 feet for pitched roofs and 27 for flat roofs or less, which would permit three or more roof levels.)
 - (2) The minimum rear yard setback for all parts of the second-story portion of construction shall be 15 feet. The minimum rear yard setback for first-story portions shall be ten feet.
 - (3) The minimum side yard setback for all parts of the second-story portion of construction shall be 17.5 feet. The minimum side yard setback for first-story portions shall be 12.5 feet.
 - (4) The minimum front yard, street side yard, and street rear yard setbacks shall be 35 feet for the second-story portion over 30 feet overall height for pitched roofs and over 27 feet overall height for flat roofs.
 - (5) Lot coverage for lots in excess of 15,000 square feet in area shall be limited to a maximum 22.5 percent.
 - (6) Garages shall be designed so that the opening will not face a street or shall be sight-screened by landscaping.
 - (7) The maximum permitted cubic content ratio (CCR) shall be one percent less than the permitted FAR for the R-B zoning district.
 - (8) All other R-B zoning district regulations shall apply.

(Ord. No. 2-74, § 5.48(II), 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 1-97, § 4, 2-17-97; Ord. No. 1-99, § 2, 4-5-99)

Sec. 134-898. Lot grade topography and drainage.

In the R-B, low-density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 35, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-899. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-B low density residential district are contained in article VIII of this chapter.

Sec. 134-900. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-B low density residential district are contained in article IX of this chapter.

Sec. 134-901. Signs.

The sign regulations which may be applicable in the R-B low density residential district are contained in article XI of this chapter.

Sec. 134-902. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-903—134-940. Reserved.

DIVISION 5. R-C MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 134-941. Purpose.

The purpose of the R-C medium-density residential district is to:

- (1) Implement the Medium-Density Residential Future Land Use designation.
- (2) ~~m~~**Maintain** a generally spacious environment for residential uses, as that term is defined in section 134-2, but, at the same time, permit a desirable variety of housing types.
- (3) Support a Ppopulation, density and height of buildings that are low enough to be compatible with neighboring single-family development.
- (4) ~~Permitted~~ community facilities, such as park and recreation areas, public schools and essential services, that are the same as for the single-family residential districts.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-942. Permitted uses.

The permitted uses in the R-C medium-density residential district are as follows:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Townhouses.
- (4) Multi-family dwellings. (Site plan review shall be required. See article III of this chapter.)
- (5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord.

No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 26-10, § 19, 12-15-10; Ord. No. 16-2012, § 4, 12-12-12)

Sec. 134-943. Accessory uses.

The accessory uses in the R-C medium-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-02, § 16, 3-12-02)

Sec. 134-944. Prohibited uses.

The specific prohibited uses of buildings or land in the R-C medium-density residential district are as follows:

- (1) No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (3) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94)

Sec. 134-945. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-C medium-density residential district are as follows:

- (1) **Approved** Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Nonprofit cultural centers.
- (8) Municipally owned or operated parking areas.
- (9) Beach **cabana** houses intended for the use of family and guests only.
- (10) Museums occupying buildings of unique value as historical landmarks as determined by the landmarks preservation commission and the town council and for which it is demonstrated that no permitted use is economically viable.
- (11) Roof-deck automobile parking.
- (12) Group home.
- (13) Foster care facility.

(14) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.

(15) Municipally owned and operated parks and recreation areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 6, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 16-2012, § 12, 12-12-12; Ord. No. 02-2019, § 6, 3-19-19)

Sec. 134-946. Accessory structures.

(a) *Accessory structures in R-C medium-density district.* Accessory structures in the R-C medium-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-C medium-density district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

(1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.

(2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.

(3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall have a minimum ten foot side and rear setback with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-C medium-density district, enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yard of 20 feet.
- (5) An accessory structure in the R-C medium-density district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-C medium-density district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification

plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 17-2019, § 4, 6-12-19; Ord. No. 16-2021, § 5, 8-11-21)

Sec. 134-947. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-C medium-density residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

Sec. 134-948. Lot, yard and area requirements—Generally.

In the R-C medium-density residential district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.*
- a. For single-family uses, the minimum lot area is 10,000 square feet.
 - b. For two-family uses, the minimum lot area is 13,333 square feet.
 - c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
 - d. For multifamily uses, the minimum lot area is 20,000 square feet.

(2) *Lot width.*

- a. For single-family uses, the minimum lot width is 75 feet.
- b. For two-family uses, the minimum lot width is 75 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot width is 100 feet.

(3) *Lot depth.*

- a. For single-family uses, the minimum lot depth is 100 feet.
- b. For two-family uses, the minimum lot depth is 100 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot depth is 100 feet.

(4) *Density.*

- a. For single-family uses, the maximum density is four dwelling units per acre.
- b. For two-family uses, the maximum density is six dwelling units per acre.
- c. For townhouses, the maximum density is six dwelling units per acre. See article III of this chapter for site plan review requirements.
- d. For multifamily uses, the maximum density is six dwelling units per acre. See article III of this chapter for site plan review requirements.

(5) *Front yard.*

- a. For single-family uses, the minimum front yard setback is 25 feet.
- b. For two-family uses the minimum front yard setback is 25 feet. If garage doors face a street, at least 40 percent of the entire structure facing said street shall have a setback at least 20 feet greater than the minimum setback otherwise required. Where a two-family structure is located on corner lots, the foregoing requirement shall apply only to that street on which the garage fronts. However, in no instance shall a two-family structure have less than 25 percent of the frontage of the building along any street frontage set back less than an additional ten feet beyond the street yard setback otherwise required.

- c. For townhouses, the minimum front yard setback is 25 feet. If garage doors face a street, at least 40 percent of the entire structure facing said street shall have a setback at least 20 feet greater than the minimum setback otherwise required. Where a two-family structure is located on corner lots, the foregoing requirement shall apply only to that street on which the garage fronts. However, in no instance shall a townhouse structure have less than 25 percent of the frontage of the building along any street frontage set back less than an additional ten feet beyond the street yard setback otherwise required.
- d. For multifamily uses, the front yard setback shall be either 25 feet or the height of the building, whichever is greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577.

(6) *Side yard.*

- a. For single-family uses, the minimum side yard setback is ten feet.
- b. For two-family uses, the minimum side yard setback is ten feet for the one-story portion and 15 feet for the two-story portion.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the side yard setback shall be 20 feet or the height of the building, whichever is greater.

(7) *Rear yard.*

- a. For single-family uses, the minimum rear yard setback is 15 feet.
- b. For two-family uses, the minimum rear yard setback is 15 feet.
- c. For townhouses, the minimum rear yard setback is 15 feet.
- d. For multifamily uses, the minimum rear yard setback is 30 feet.

(8) *Height and overall height.*

- a. For single-family uses, the maximum building height is two stories, not to exceed 23½ feet.

- b. For two-family uses, the maximum building height is two stories, not to exceed 23½ feet.
 - c. For townhouses, the maximum building height is two stories, not to exceed 23½ feet.
 - d. For multifamily uses, the maximum building height of a one or two-story building is 23½ feet; See special exception provisions in sections 134-227 through 134-233, section 134-952, and article III of this chapter.
 - e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus three feet for a flat roof and eight feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (9) *Lot coverage.*
- a. For single-family uses, the maximum lot coverage is 30 percent.
 - b. For two-family uses, the maximum lot coverage is 30 percent.
 - c. For townhouses, the maximum lot coverage is 35 percent.
 - d. For multifamily uses, the maximum lot coverage is 30 percent.
- (10) *Dimensions.* For multifamily building maximum dimensions, see section 134-1871 et seq.
- (11) *Landscaped open space.*
- a. For single-family uses, the minimum landscaped open space is 45 percent, of which 50 percent of that percentage is required to be perimeter landscaping within ten feet of the property line. The perimeter landscaped open space requirement shall not apply to lots 20,000 square feet or more in area.
 - b. For two-family uses the minimum landscape open space is 40 percent.
 - c. For townhouses, the minimum landscaped open space is 35 percent.
 - d. For multi-family uses, the minimum landscaped open space is 35 percent.
 - e. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-C district and not less than 35 percent must be landscaped open space for all other type of development.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-99, §§ 18—20, 4-5-99; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-02, § 15, 3-12-02; Ord. No. 1-03, § 17, 3-11-03; Ord. No. 1-05, § 5, 3-8-05; Ord. No. 3-2012, § 3, 4-11-12; Ord. No. 4-2016, § 4, 4-13-16)

Sec. 134-949. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-C medium density residential district, which dwelling is nonconforming with any of the schedule of lot, yard, and bulk regulations for this district; may be enlarged with a first-story and/or second-story addition, provided the addition complies with the current schedule of lot, yard, and bulk regulations for this district.
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04; Ord. No. 26-10, § 22, 12-15-10)

Sec. 134-950. Same—Exceptions.

In the R-C medium-density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.

- (2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
 - (3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.
 - (4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.
 - (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
 - (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.
 - (7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front, street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into the required side or rear yard setback.
- (Ord. No. 2-74, § 5.32, 3-26-74; Ord. No. 3-77, §§ 4, 5, 3-29-77; Ord. No. 7-82, § 4(d), 3-31-82; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 2, 7-9-02; Ord. No. 19-2021, § 4, 9-13-21)

Sec. 134-951. Awnings or trellises in side or rear yards.

In the R-C medium density residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be

converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

(Ord. No. 2-74, § 5.31(c), 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93)

Sec. 134-952. Exemption to height limitations.

In the R-C medium density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five (5) feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed 2% of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 1-99, § 17, 4-5-99)

Sec. 134-953. Lot grade, topography and drainage.

In the R-C, medium density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 36, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-954. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-C medium density residential district are contained in article VIII of this chapter.

Sec. 134-955. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-C medium density residential district are contained in article IX of this chapter.

Sec. 134-956. Signs.

The sign regulations which may be applicable in the R-C medium density residential district are contained in article XI of this chapter.

Sec. 134-957. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-958—134-995. Reserved.

*DIVISION 6. R-D(1) **MODERATE HIGH** DENSITY RESIDENTIAL DISTRICT*

Sec. 134-996. Purpose.

The purpose of the R-D(1) **moderate high-density** residential district is to:

- (1) **Implement the High-Density Residential Future Land Use designation.**
- (2) **Provide** for residential uses, as that term is defined in section 134-2, and a variety of housing types at a **moderate high** population density compatible with neighboring housing areas of lower density.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-997. Permitted uses.

The permitted uses in the R-D(1) **moderate high-density** residential district are as follows:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Townhouses.
- (4) Multi-family dwellings. (Site plan review shall be required. See article III of this chapter.)
- (5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 26-10, § 20, 12-15-10; Ord. No. 16-2012, § 5, 12-12-12)

Sec. 134-998. Accessory uses.

The accessory uses in the R-D(1) ~~moderate~~ high-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94; Ord. No. 1-02, § 16, 3-12-02)

Sec. 134-999. Prohibited uses.

The specific prohibited uses of buildings or land in the R-D(1) ~~moderate~~ high-density residential district are as follows:

- (1) No person shall use any portion of any building or accessory building or any land used for residential purposes in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose (with the sole exception of meetings of the corporate ownership of the premises involved), banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord.

No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94)

Sec. 134-1000. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(1) ~~moderate~~ high-density residential district are as follows:

- (1) ~~Approved~~ Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Roof-deck automobile parking.
- (8) Municipally owned or operated parking areas.
- (9) Beach ~~cabana~~ houses intended for the use of family and guests only.
- (10) Group home.
- (11) Foster care facility.
- (12) Municipally owned and operated parks and recreation areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 6, 2-5-96; Ord. No. 16-2012, § 13, 12-12-12; Ord. No. 02-2019, § 7, 3-19-19)

Sec. 134-1001. Accessory structures.

- (a) *Accessory structures in R-D(1) district.* Accessory structures in the R-D(1) **moderate high-density** residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-D(1) district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
- (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
 - (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height may be located within ten feet of a side or rear lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-D(1) district, enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yard of 30 feet.
 - (5) An accessory structure in the R-D(1) district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
 - (6) Accessory structures in the R-D(1) district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of

earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.
- (8) One dock, as defined in section 134-2 and as regulated in sections 62-62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 16-2021, § 6, 8-11-21)

Sec. 134-1002. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-D(1) ~~moderate~~ high-density residential district, no accessory structure shall be used as or converted to a dwelling unit. If any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

Sec. 134-1003. Accessory uses in multifamily dwellings.

Incidental services used in connection with multifamily structures in the R-D(1) ~~moderate~~ high-density residential district, including cigar or candy stands, delicatessens, personal service shops and similar uses, may be permitted provided the following conditions are fulfilled:

- (1) At least 25 dwelling units shall be contained within the building group.
- (2) Not more than five percent of the total floor area within the building shall be so used.
- (3) All such incidental services shall be situated within the interior of the building, so that no part thereof shall be directly accessible to the street or public way.
- (4) No sign or window display shall be discernible from the sidewalk or public way.
- (5) No exterior or external advertising shall be permitted.

(Ord. No. 2-74, § 6.13, 3-26-74)

Sec. 134-1004. Lot, yard and area requirements—Generally.

In the R-D(1) ~~moderate~~ high-density residential district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.*
 - a. For single-family uses, the minimum lot area is 10,000 square feet.
 - b. For two-family uses, the minimum lot area is 10,000 square feet.

c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.

d. For multifamily uses, the minimum lot area is 40,000 square feet.

(2) *Lot width.*

a. For single-family uses, the minimum lot width is 75 feet.

b. For two-family uses, the minimum lot width is 75 feet.

c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.

d. For multifamily uses, the minimum lot width is 150 feet.

(3) *Lot depth.*

a. For single-family uses, the minimum lot depth is 100 feet.

b. For two-family uses, the minimum lot depth is 100 feet.

c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.

d. For multifamily uses, the minimum lot depth is 200 feet.

(4) *Density.*

a. For single-family uses, the maximum density is four dwelling units per acre.

b. For two-family uses, the maximum density is eight dwelling units per acre.

c. For townhouses, the maximum density is ten dwelling units per acre. See article III of this chapter for site plan review requirements.

d. For multifamily uses, the maximum density is ten dwelling units per acre. See article III of this chapter for site plan review requirements.

(5) *Front yard.*

a. For single-family uses, the minimum front yard setback is 25 feet.

b. For two-family uses, the minimum front yard setback is 25 feet.

c. For townhouses, the minimum front yard setback is 25 feet.

d. For multifamily uses, the front yard setback shall be either 25 feet or the height of the building, whichever is the greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall

equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577.

(6) *Side yard.*

- a. For single-family uses, the minimum side yard setback is ten feet.
- b. For two-family uses, the minimum side yard setback is 12½ feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the side yard setback shall be 30 feet or the height of the building, whichever is greater.

(7) *Rear yard.*

- a. For single-family uses, the minimum rear yard setback is 15 feet.
- b. For two-family uses, the minimum rear yard setback is 15 feet.
- c. For townhouses, the minimum rear yard setback is 15 feet.
- d. For multifamily uses, the minimum rear yard setback is 30 feet.

(8) *Height and overall height.*

- a. For single-family uses, the maximum building height is two stories or 25 feet.
- b. For two-family uses, the maximum building height is two stories or 25 feet.
- c. For townhouses, the maximum building height is two stories or 25 feet.
- d. For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special exception for up to five stories. See special exception provisions in sections 134-227 through 134-233, section 134-1008, and article III of this chapter.
- e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For single-family uses, the maximum lot coverage is 30 percent.

- b. For two-family uses, the maximum lot coverage is 30 percent.
 - c. For townhouses, the maximum lot coverage is 35 percent.
 - d. For multifamily uses, the maximum lot coverage is 35 percent.
- (10) *Dimensions*. For multifamily building maximum dimensions, see section 134-1871 et seq.
- (11) *Landscaped open space*.
- a. For single-family uses, the minimum landscaped open space is 40 percent.
 - b. For two-family uses, the minimum landscaped open space is 40 percent.
 - c. For townhouses, the minimum landscaped open space is 35 percent.
 - d. For multifamily uses, the minimum landscaped open space is 35 percent.
 - e. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-D(1) district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development.
- (Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-02, § 15, 3-12-02; Ord. No. 1-03, § 18, 3-11-03; Ord. No. 4-2016, § 4, 4-13-16)

Sec. 134-1005. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-D(1) **moderate high-density** residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district; may be enlarged with a first story and/or second story addition, provided the addition complies with the current schedule of lot, yard and bulk regulations for this district;
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.

(c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04; Ord. No. 26-10, § 23, 12-15-10)

Sec. 134-1006. Same—Exceptions.

In the R-D(1) ~~moderate~~ **high-density** residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.
- (2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
- (3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.
- (4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.
- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

- (7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

(Ord. No. 2-74, § 5.32, 3-26-74; Ord. No. 3-77, §§ 4, 5, 3-29-77; Ord. No. 7-82, § 4(d), 3-31-82; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 2, 7-9-02; Ord. No. 19-2021, § 4, 9-13-21)

Sec. 134-1007. Awnings or trellises in side or rear yards.

In the R-D(1) ~~moderate high-density~~ residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

(Ord. No. 2-74, § 5.31(c), 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93)

Sec. 134-1008. Special exception to height regulations; special exception structures.

- (a) In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(1) ~~moderate high-density~~ density residential district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

- (1) Four-story guidelines. Lot coverage not more than 25 percent.
- (2) Five-story guidelines. Lot coverage not more than 20 percent.
- (b) In no event shall the building height in a R-D(1) ~~moderate high-density~~ exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:

- (1) Three-story/35 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 37 feet six inches.
- (2) Four-story/45 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 50 feet.
- (3) Five-story/55 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 62 feet six inches.

(Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92)

Sec. 134-1009. Lot grade topography and drainage.

In the R-D(1) ~~moderate high-density~~ residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 37, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-1010. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-D(1) ~~moderate high-density~~ residential district are contained in article VIII of this chapter.

Sec. 134-1011. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-D(1) ~~moderate high-density~~ residential district are contained in article IX of this chapter.

Sec. 134-1012. Signs.

The sign regulations which may be applicable in the R-D(1) ~~moderate high-density~~ residential district are contained in article XI of this chapter.

Sec. 134-1013. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1014. Exemption to height limitations.

In the R-D(1) ~~moderate~~ **high-density residential district**, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

(Ord. No. 1-99, § 17, 4-5-99)

Secs. 134-1015—134-1050. Reserved.

DIVISION 7. R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 134-1051. Purpose.

The purpose of the R-D(2) high-density residential district is to:

- (1) Implement the High-Density Future Land Use designation.
- (2) provide for residential uses, as that term is defined in section 134-2, of a variety of dwelling types, and under carefully controlled conditions, hotels and timesharing uses.
- (3) Provide a Ppermitted population density falls in the lower range of what is generally considered high-density development.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1052. Permitted uses.

The permitted uses in the R-D(2) high-density residential district are as follows:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Townhouses.
- (4) Multi-family dwellings. (Site plan review shall be required. See article III of this chapter.)
- (5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-

3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 26-10, § 21, 12-15-10; Ord. No. 16-2012, § 6, 12-12-12)

Sec. 134-1053. Accessory uses.

The accessory uses in the R-D(2) high-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Newsstands, dining rooms, bars, beauty shops and similar personal service uses for the convenience of tenants and their bona fide guests in a multifamily dwelling.
- (5) Charitable events specifically approved by the town manager.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94; Ord. No. 1-02, § 16, 3-12-02; Ord. No. 5-09, § 2, 4-15-09; Ord. No. 16-2021, § 7, 8-11-21)

Sec. 134-1054. Prohibited uses.

The specific prohibited uses of buildings or land in the R-D(2) high-density residential district are as follows:

- (1) No person shall use any portion of any building or accessory building or any land used for residential purposes in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose (with the sole exception of meetings of the corporate ownership of the premises involved), banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

- (2) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94)

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(2) high-density residential district are as follows:

- (1) Approved Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Accessory commercial uses to hotel uses.
- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.
- (10) Hotels.
- (11) Timesharing uses.
- (12) Roof-deck automobile parking.
- (13) Group home.
- (14) Foster care facility.
- (15) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and

provides prior written approval from all governmental agencies having jurisdiction.

(16) Outdoor cafe seating for dining purposes related to hotels, condo-hotels and dining rooms provided that all requirements and conditions contained in sections 134-2104 and 134-2108 are met.

(17) Condo-hotels in accordance with section 134-2110.

(18) Municipally owned and operated parks and recreation areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 6, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 5-09, §§ 3, 19, 4-15-09; Ord. No. 16-2012, § 14, 12-12-12; Ord. No. 02-2019, § 8, 3-19-19; Ord. No. 16-2021, § 8, 8-11-21)

Sec. 134-1056. Reserved.

Ord. No. 16-2021, § 9, adopted August 11, 2021, repealed § 134-1056, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 5-09, § 4, 4-15-09.

Sec. 134-1057. Accessory structures.

- (a) *Accessory structures in R-D(2) district.* Accessory structures in the R-D(2) high-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-D(2) district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
- (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the R-D(2) **high-density residential** zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially

enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.

- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height may be located within ten feet of a side or rear lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-D(2) district enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yards of 30 feet.
- (5) An accessory structure in the R-D(2) high-density residential district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-D(2) high-density residential district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot

line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One (1) meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 16-2021, § 10, 8-11-21)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1058. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-D(2) high-density residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1059. Accessory uses in apartment houses, hotels and condo-hotels.

Incidental services used in connection with either apartment houses, hotels or condo-hotels in an R-D(2) high-density residential district, including cigar or candy stands, delicatessens, personal service shops and similar uses, may be permitted provided the following conditions are fulfilled:

- (1) At least 25 dwelling units shall be contained within the building group.
- (2) Not more than five percent of the total floor area within the building shall be so used.
- (3) All such incidental services shall be situated within the interior of the building, so that no part thereof shall be directly accessible to the street or public way, except for outdoor seating for dining purposes in accordance with sections 134-2104 through 134-2108 and section 134-1906.
- (4) No sign or window display shall be discernible from the sidewalk or public way.
- (5) No exterior or external advertising shall be permitted.

(Ord. No. 2-74, § 6.13, 3-26-74; Ord. No. 5-09, §§ 4, 20, 4-15-09)

Editor's note(s)—Ord. No. 5-09, § 4, renumbered the former section 134-1058 as section 134-1059. Subsequently, section 20 of said ordinance changed the title of section 134-1059 from "Accessory uses in apartment houses and hotels" to "Accessory uses in apartment houses, hotels and condo-hotels."

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

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

- (1) *Lot area.*
 - a. For single-family uses, the minimum lot area is 10,000 square feet.
 - b. For two-family uses, the minimum lot area is 10,000 square feet.
 - c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
 - d. For multifamily uses, the minimum lot area is 40,000 square feet.
 - e. For timesharing uses, the minimum lot area is 40,000 square feet.
 - f. For hotels and condo-hotels, the minimum lot area is 40,000 square feet.

(2) *Lot width.*

- a. For single-family uses, the minimum lot width is 75 feet.
- b. For two-family uses, the minimum lot width is 75 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot width is 150 feet.
- e. For timesharing uses, the minimum lot width is 150 feet.
- f. For hotels and condo-hotels, the minimum lot width is 150 feet.

(3) *Lot depth.*

- a. For single-family uses, the minimum lot depth is 100 feet.
- b. For two-family uses, the minimum lot depth is 100 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot depth is 200 feet.
- e. For timesharing uses, the minimum lot depth is 200 feet.
- f. For hotels and condo-hotels, the minimum lot depth is 200 feet.

(4) *Density.*

- a. For single-family uses, the maximum density is four dwelling units per acre.
- b. For two-family uses, the maximum density is eight dwelling units per acre.
- c. For townhouses, the maximum density is ten dwelling units per acre. See article III of this chapter for site plan review requirements.
- d. For multifamily uses, the maximum density is 13 dwelling units per acre. See article III of this chapter for site plan review requirements.
- e. For timesharing uses, the maximum density is nine dwelling units per acre. See article III of this chapter for site plan review requirements.
- f. For hotels, the maximum density is 26 dwelling units per acre. See article III of this chapter for site plan review requirements.
- g. For condo-hotels, the maximum density is 20 dwelling units per acre. See article III of this chapter for site plan review requirements.

(5) *Front yard.*

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

(6) *Side yard.*

- a. For single-family uses, the minimum side yard setback is ten feet.
- b. For two-family uses, the minimum side yard setback is 12½ feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the side yard setback shall be 30 feet or the height of the building, whichever is greater.
- e. For timesharing uses, the minimum side yard setback is 30 feet.
- f. For hotels, the minimum side yard setback is 30 feet.

(7) *Rear yard.*

- a. For single-family uses, the minimum rear yard setback is 15 feet.
- b. For two-family uses, the minimum rear yard setback is 15 feet.
- c. For townhouses, the minimum rear yard setback is 15 feet.
- d. For multifamily uses, the minimum rear yard setback is 30 feet.
- e. For timesharing uses, the minimum rear yard setback is 30 feet.
- f. For hotels, the minimum rear yard setback is 30 feet.

(8) *Height and overall height.*

- a. For single-family uses, the maximum building height is two stories or 25 feet.

- b. For two-family uses, the maximum building height is two stories or 25 feet.
 - c. For townhouses, the maximum building height is two stories or 25 feet.
 - d. For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special exception for up to five stories. See special exception provisions in sections 134-227 through 134-233, section 134-1063, and article III of this chapter.
 - e. For timesharing uses, the maximum building height is three stories or 35 feet.
 - f. For hotels, the maximum building height is three stories or 35 feet.
 - g. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (9) *Lot coverage.*
- a. For single-family uses, the maximum lot coverage is 30 percent.
 - b. For two-family uses, the maximum lot coverage is 30 percent.
 - c. For townhouses, the maximum lot coverage is 35 percent.
 - d. For multifamily uses, the maximum lot coverage is 40 percent.
 - e. For timesharing uses, the maximum lot coverage is 45 percent.
 - f. For hotels, the maximum lot coverage is 45 percent.
- (10) *Dimensions.* For multifamily building maximum dimensions, see section 134-1871 et seq.
- (11) *Landscaped open space.*
- a. For single-family uses, the minimum landscaped open space is 40 percent.
 - b. For two-family uses, the minimum landscaped open space is 40 percent.
 - c. For townhouses, the minimum landscaped open space is 35 percent.
 - d. For multifamily uses, the minimum landscaped open space is 35 percent.
 - e. For timesharing uses, the minimum landscaped open space is 35 percent.
 - f. For hotels, the minimum landscaped open space is 35 percent.

- g. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-D(1) district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-02, § 15, 3-12-02; Ord. No. 1-03, § 19, 3-11-03; Ord. No. 1-04, § 35, 3-9-04; Ord. No. 5-09, §§ 4, 21, 4-15-09; Ord. No. 4-2016, § 4, 4-13-16)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1061. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-D(2) high-density residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district; may be enlarged with a first story and/or second story addition, provided the addition complies with the current schedule of lot, yard and bulk regulations for this district;
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 26-10, § 24, 12-15-10)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1062. Same—Exceptions.

In the R-D(2) high-density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.
- (2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
- (3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.
- (4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.
- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.
- (7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

(Ord. No. 2-74, § 5.32, 3-26-74; Ord. No. 3-77, §§ 4, 5, 3-29-77; Ord. No. 7-82, § 4(d), 3-31-82; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 2, 7-9-02; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 19-2021, § 4, 9-13-21)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1063. Awnings or trellises in side or rear yards.

In the R-D(2) high-density residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

(Ord. No. 2-74, § 5.31(c), 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1064. Special exception to height regulations; special exception structures.

- (a) In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(2) high-density residential district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:
 - (1) Four-story guidelines. Lot coverage not more than 27 percent.
 - (2) Five-story guidelines. Lot coverage not more than 22 percent.
- (b) In no event shall the building height in an R-D(2) **high-density residential** zoning district exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:
 - (1) Three-story/35 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 37 feet six inches.
 - (2) Four-story/45 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 50 feet.
 - (3) Five-story/55 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 62 feet six inches.

(Ord. No. 2-74, § 5.48(l), 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1065. Lot grade topography and drainage.

In the R-D(2), high-density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 26-10, § 38, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1066. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-D(2) high-density residential district are contained in article VIII of this chapter.

(Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1067. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-D(2) high-density residential district are contained in article IX of this chapter.

(Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1068. Signs.

The sign regulations which may be applicable in the R-D(2) high-density residential district are contained in article XI of this chapter.

(Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1069. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1070. Exemption to height limitations.

In the R-D(2) high-density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one towers as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

(Ord. No. 1-99, § 17, 4-5-99; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Secs. 134-1071—134-11053. Reserved.

DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT¹

Sec. 134-1106. Purpose and limitations.

The purpose of the C-TS town-serving commercial district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

~~(1)(2)~~ Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.

~~(2)(3)~~ Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross ~~leasable floor area (GLA)~~ (GFA) are imposed.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1107. Permitted uses.

(a) Enumeration; maximum gross ~~leasable floor~~ area. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 ~~gross square-foot floor area (GFA)~~ ~~(GLA) gross leasable area (GLA)~~, are as follows:

- (1) Retail and service establishments, such as hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.
- (2) Executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor.
- (3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.
- (4) Nonprofit cultural centers.

¹Cross reference(s)—Businesses, ch. 22.

- (5) Professional and studio type schools.
- (6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- (7) Essential services.
- (8) Public parks.

~~(9) Residence(s) above the first floor.~~

~~(10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(b) Residence(s) above the first floor.

~~(b)(c)~~ *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 gross floor area square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet gross floor area, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area building exceeding 3,000 gross floor area square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 gross floor area square feet, in a district with a 3,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) gross floor area regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet floor area.

Sec. 134-1108. Accessory uses.

The accessory uses in the C-TS town-serving commercial districts are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses that are customarily incident to the permitted or approved special exception use.

Sec. 134-1109. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS Town-serving commercial districts are as follows:

- (1) Public or private parking lots.
- (2) Auto rental lots.
- (3) Private social, swimming, golf, tennis and yacht clubs.
- (4) Service stations.
- (5) Public structures/uses.
- (6) Essential services related to town-owned municipal buildings and structures.
- (7) Supplemental parking per sections 134-2177 and 134-2182.
- (8) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (9) Drive-in business service facilities.
- (10) Churches, synagogues or other houses of worship.
- (11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-11078 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 **gross floor area square feet (GSF) gross leasable area**.
- (12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.
- (13) Roof-deck automobile parking.
- (14) Outdoor Cafe seating is permitted only for restaurants, and retail specialty food stores, defined in section 134-2 including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (15) Veterinary offices above the first floor.
- (16) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.
- (17) Nightclubs.

(18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.

(19) Private parks.

(20) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.

(21) Restaurants, excluding formula restaurants, as defined in section 134-2 and bars/lounges.

(b) An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

Sec. 134-1110. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-TS Town-serving commercial districts shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible,

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(Supp. No. 29, Upd 2)

compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate).
Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

Sec. 134-1111. Reserved.

Sec. 134-1112. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1107 which involve more than 2,000 square feet of building floor area of buildings in the C-TS town-serving commercial district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

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

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

- (1) *Lot area.* The minimum lot area is 4,000 square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*
 - a. For one-story buildings, the minimum front yard setback is five feet.
 - b. For two-story buildings, the minimum front yard setback is five feet.
 - c. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and addition-ally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters.

Such potted plants or planters shall include xeriscape landscaping whenever possible.

- d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.
- (6) *Side yard.*
- a. There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided. When the side yard of a C-TS property adjoins property zoned in any R district, a ten-foot side yard is required on that side.
 - b. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.
- (7) *Rear yard.*
- a. For one-story buildings, the minimum rear yard setback is ten feet.
 - b. For two-story buildings, the minimum rear yard setback is ten feet.
 - c. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.
- (8) *Height and overall height.*
- a. For one-story buildings, the maximum building height is 15 feet.
 - b. For two-story buildings, the maximum building height is 25 feet.
 - c. In this district, the maximum building height allows one story, with provision for a special exception for two stories. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1115 relating to allowable height and lot coverage, and article III of this chapter (site plan review).
 - d. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (9) *Lot coverage.*
- a. For one-story buildings, the maximum lot coverage is 70 percent.

- b. For two-story buildings, the maximum lot coverage is 70 percent.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each, be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.
- c. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-TS district.

(12) *Floor area ratio (FAR)*

- ~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~
- ~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~
- ~~a. FAR of 1.0.~~
- c.b Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from, a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Sec. 134-1114. Same—Exceptions.

- (a) In the C-TS town-serving commercial district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.
- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
- (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
- (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.

(Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02)

Sec. 134-1115. Special exception to height regulations; special exception structures.

In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the C-TS town-serving commercial district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

Two-story guidelines. Lot coverage not more than 35 percent.

(Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92)

Sec. 134-1116. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-TS town-serving commercial district are contained in article VIII of this chapter.

Sec. 134-1117. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-TS town-serving commercial district are contained in article IX of this chapter.

Sec. 134-1118. Signs.

The sign regulations which may be applicable in the C-TS town-serving commercial district are contained in article XI of this chapter.

Sec. 134-1119. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1120. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00)

Sec. 134-1121. Lot grade topography and drainage.

In the C-TS, commercial town serving district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1122—134-1155. Reserved.

DIVISION 9. C-WA WORTH AVENUE DISTRICT²

Sec. 134-1156. Purpose.

The purpose of the C-WA Worth Avenue commercial district is to:

- (1) Implement the Comprehensive Plan Commercial Future Land Use designation.
- (2) Adhere to the development standards contained in the Worth Avenue Design Guidelines.
- (3) Preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of townpersons.
- (4) Drive-in retail facilities are not permitted.
- (5) Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross ~~leasable floor area area (GFA) (GLA)~~; thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-05, § 1, 3-8-05)

Sec. 134-1157. Permitted uses.

- (a) *Enumeration; maximum gross ~~leasable floor area~~.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 ~~gross square feet gross floor area (GFA) of gross leasable area (GLA)~~, are as follows:
- (1) Antiques.
 - (2) Apparel and accessories.
 - (3) Art galleries.
 - (4) Art services.
 - (5) Bed and bath boutiques.
 - (6) Cards/gifts.

²Cross reference(s)—Businesses, ch. 22.

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- (7) Crafts.
- (8) Drugstore/pharmacy.
- (9) Fabrics.
- (10) Flowers/florist.
- (11) Furniture.
- (12) Hair styling/beauty salon.
- (13) Interior decorating sales/services.
- (14) Jewelry.
- (15) Kitchenwares.
- (16) Luggage/leather goods.
- (17) News/books.
- (18) Optical goods.
- (19) Perfumery.
- (20) Photographic services/studios.
- (21) Shoes.
- (22) Stationery.
- (23) Essential services.
- (24) Tobacconist.
- (25) Toys.
- (26) TV and electronic items.
- (27) Town-serving offices and professional and business services, including banks and financial institutions, and executive offices above the first floor, excluding veterinarian offices.
- (28) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

~~(29) Residence(s) above the first floor.~~

~~(30)(29)~~ Combinations of the uses in subsections (a)(1) through (28) of this section.

~~(31) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182 This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(b) Residence(s) above the first floor.

~~(b)(c)~~ Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of ~~gross leasable area (GLA)~~ gross floor area shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum ~~gross leasable area of~~ 4,000 gross floor area square feet, and if a change of use is

contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a ~~gross leasable area~~ exceeding 4,000 ~~gross floor area square feet~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 ~~gross floor area square footage~~ limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size of subdivide into two 5,000 square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum ~~gross leasable area (GLA)~~ ~~gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA) size of the building~~ to more than 4,000 square feet.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-02, § 11, 3-12-02; Ord. No. 1-04, §§ 18, 23, 3-9-04; Ord. No. 1-05, § 3, 3-8-05; Ord. No. 2-2011, § 5, 7-13-11; Ord. No. 7-2014, § 6, 5-14-14; Ord. No. 8-2017, § 2, 4-12-17; Ord. No. 17-2019, § 7, 6-12-19; Ord. No. 01-2021, § 4, 2-10-21; Ord. No. 12-2021, § 3, 6-9-21; Ord. No. 20-2021, § 3, 9-13-21)

Sec. 134-1158. Accessory uses.

The accessory uses in the C-WA Worth Avenue district are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses that are customarily incident to the permitted or approved special exception use.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord.

No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 8, 4-15-09; Ord. No. 16-2021, § 11, 8-11-21)

Sec. 134-1159. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-WA Worth Avenue district are as follows:
- (1) Pay parking.
 - (2) Public or private parking or storage garages.
 - (3) Private social, swimming, tennis or yacht clubs.
 - (4) Public structures/uses.
 - (5) Essential services related to town-owned municipal buildings and structures.
 - (6) Supplemental parking per sections 134-2177 and 134-2182.
 - (7) Restaurants, nightclubs, lounges/bars, excluding formula restaurants as defined in section 134-2.
 - (8) Museums and nonprofit cultural centers.
 - (9) Permitted uses cited under permitted uses in section 134-1157, which contain greater than 4,000 ~~gross floor area square feet GLA gross leasable area~~.
 - (10) Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.
 - (11) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
 - (12) Roof deck automobile parking.
 - (13) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
 - (14) Retail specialty foods, including incidental sale of prepared foods for takeout.

- (b) An owner or tenant of a property, located within the C-WA district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(5), 2-7-94; Ord. No. 1-96, § 17, 2-5-96; Ord. No. 2-98, § 3, 2-27-98; Ord. No. 1-02, § 10, 3-12-02; Ord. No. 1-03, § 3, 3-11-03; Ord. No. 1-04, § 29, 3-9-04; Ord. No. 4-08, § 9, 4-7-08; Ord. No. 5-09, § 9, 4-15-09; Ord. No. 2-2011, § 6, 7-13-11; Ord. No. 3-2012, § 5, 4-11-12; Ord. No. 10-2012, § 4, 9-11-12; Ord. No. 30-2017, § 3, 1-10-18; Ord. No. 02-2019, § 10, 3-19-19; Ord. No. 17-2019, § 8, 6-12-19; Ord. No. 01-2021, § 5, 2-10-21; Ord. No. 12-2021, § 4, 6-9-21; Ord. No. 16-2021, § 12, 8-11-21)

Sec. 134-1160. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-WA Worth Avenue district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent

possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note:-One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99)

Sec. 134-1161. Reserved.

Ord. No. 16-2021, § 12, adopted August 11, 2021, repealed § 134-1161, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 2-74, § 6.61, 3-26-74; Ord. No. 3-77, § 14, 3-29-77; Ord. No. 1-89, § 4(f), 2-6-89; Ord. No. 1-04, § 16, 3-9-04; Ord. No. 5-09, § 10, 4-15-09.

Sec. 134-1162. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1157 which involve more than 2,000 square feet of building floor area of buildings in the C-WA Worth Avenue district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

(Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85)

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

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

- (1) *Lot area.* The minimum lot area is 4,000-square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.

- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed ten dwelling units per gross acre as provided for in the Worth Avenue design guidelines which are on file in the town clerk's office, and which are incorporated and adopted as part of this chapter as if fully set forth in this chapter. See article III of this chapter for site plan review requirements.
- (5) *Front yard.* All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible. Within the C-WA district, arcades or colonnades may be constructed subject to approval as a special exception over the sidewalks in the required front yard setback, provided they meet the requirements of section 134-1213(e).
- (6) *Side yard.* There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.
- (7) *Rear yard.* The minimum rear yard setback is ten feet.
- (8) *Height and overall height.*
 - a. For one-story buildings, the maximum building height is 15 feet.
 - b. For two-story buildings, the maximum building height is 25 feet, allowable as a special exception.
 - c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

- d. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 75 percent.
- b. For two-story buildings, the maximum lot coverage is 35 percent for the first floor and 35 percent for the second floor. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1165 relating to allowable height and lot coverage, and article III of this chapter (site plan review).
- c. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. For each multifamily building maximum dimensions, see section 134-1871 et seq.
- d. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.
- e. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.
- c. For three-story buildings, the minimum landscaped open space is 25 percent.

(12) *Floor area ratio. (FAR.).*

- ~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~a. FAR of 1.0.~~

~~e.b.~~ Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.

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

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-04, § 32, 3-9-04; Ord. No. 16-2016, § 3, 12-14-16)

Sec. 134-1164. Same—Exceptions.

Sec. 134-1165. Special exception use to height regulations; special exception structures.

- (a) *Criteria for granting.* In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the C-WA Worth Avenue district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the goals and guidelines in this section.
- (b) *Two-story and three-story construction.* The following shall be applicable to two-story and three-story construction in the C-WA district:
- (1) First story coverage not more than 35 percent and second story coverage not more than 35 percent. Additional coverage and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with section 134-233.

- (2) A third story and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with section 134-233.

Cross reference(s)—Applicability of Worth Avenue design guidelines in C-WA district, § 134-233.

(Ord. No. 2-74, § 5.33, 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91)

Sec. 134-1166. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-WA Worth Avenue district are contained in article VIII of this chapter.

Sec. 134-1167. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-WA Worth Avenue district are contained in article IX of this chapter.

Sec. 134-1168. Signs.

The sign regulations which may be applicable in the C-WA Worth Avenue district are contained in article XI of this chapter.

Sec. 134-1169. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.
(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1170. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00)

Sec. 134-1171. Lot grade topography and drainage.

In the C-WA, commercial worth avenue district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1172—134-1205. Reserved.*DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT³***Sec. 134-1206. Purpose.**

The purpose of the C-OPI office, professional and institutional district is to:

- (1) Implement the Comprehensive Plan Commercial Future Land Use designation.
- (2) Provide locations for administrative, professional business and institutional offices which are adequate for the town's needs and convenient for use by town citizens.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1207. Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

- (1) Offices and professional and business services and executive offices, excluding veterinarian offices.
- (2) Brokerage and trust companies.
- (3) Yacht Brokerage with no display of merchandise on premises.
- (4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- (5) Essential services.

³Cross reference(s)—Businesses, ch. 22.

(6) Residence(s) above the first floor.

~~(7) Supplemental off-site shared parking as provided in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-97, § 3, 2-17-97; Ord. No. 1-00, § 3, 2-22-00; Ord. No. 1-04, § 24, 3-9-04; Ord. No. 7-2014, § 7, 5-14-14; Ord. No. 8-2017, § 3, 4-12-17; Ord. No. 17-2019, § 9, 6-12-19; Ord. No. 01-2021, § 6, 2-10-21; Ord. No. 12-2021, § 5, 6-9-21; Ord. No. 20-2021, § 4, 9-13-21)

Sec. 134-1208. Accessory uses.

The accessory uses in the C-OPI office, professional and institutional district are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 11, 4-15-09; Ord. No. 16-2021, § 11, 8-11-21)

Sec. 134-1209. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-OPI office, professional and institutional district are as follows:

- (1) Public or private parking lot or storage garages.
- (2) Auto rental lot.
- (3) Public structures/uses.

- (4) Essential services related to town-owned municipal buildings and structures.
- (5) Supplemental parking per sections 134-2177 and 134- 2182.
- (6) Restaurants, excluding formula restaurants as defined in section 134-2.
- (7) Lounges/bars when associated with full-service restaurants.
- (8) Banks and financial institutions, excluding brokerage and trust companies.
- (9) Institutions.
- (10) Roof-deck automobile parking.
- (11) Outdoor cafe seating for only restaurants, and dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (12) Dining rooms when not more than 15 percent of the gross floor area of the structure; no exterior or external advertising to be permitted.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-97, § 3, 2-17-97; Ord. No. 1-03, § 4, 3-11-03; Ord. No. 1-04, §§ 9, 30, 3-9-04; Ord. No. 4-08, § 10, 4-7-08; Ord. No. 5-09, § 12, 4-15-09; Ord. No. 02-2019, § 11, 3-19-19; Ord. No. 17-2019, § 10, 6-12-19; Ord. No. 01-2021, § 7, 2-10-21; Ord. No. 12-2021, § 6, 6-9-21; Ord. No. 16-2021, § 15, 8-11-21)

Sec. 134-1210. Reserved.

Ord. No. 16-2021, § 13, adopted August 11, 2021, repealed § 134-1210, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 5-09, § 13, 4-15-09.

Sec. 134-1211. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-OPI office, professional and institutional district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be

permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1212. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1207 which involve more than 2,000 square feet of building floor area of buildings in the C-OPI office, professional and institutional district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

(Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

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

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

- (1) *Lot area.* The minimum lot area is 4,000 square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*
 - a. For one-story buildings, the minimum front yard setback is five feet.
 - b. For two-story buildings, the minimum front yard setback is five feet.
 - c. For three-story buildings, the minimum front yard setback is five feet.
 - d. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.
 - e. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.
- (6) *Side yard.*

- a. There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided. When the side yard of a C-OPI property adjoins property zoned in any R district, a ten-foot side yard is required on that side.
- b. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.

(7) *Rear yard.*

- a. For one-story buildings, the minimum rear yard setback is ten feet.
- b. For two-story buildings, the minimum rear yard setback is ten feet.
- c. For three-story buildings, the minimum rear yard setback is ten feet.
- d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 25 feet.
- c. For three-story buildings, the maximum building height is 35 feet.
- d. In this district, the maximum building height is two stories, with provision for a special exception for three stories. See special exception provisions in sections 134-227 through 134-233, section 134-1214, and article III of this chapter.
- e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 70 percent.

- b. For two-story buildings, the maximum lot coverage is 35 percent.
- c. For three-story buildings, the maximum lot coverage is 25 percent.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. For three-story buildings, the maximum building length is 150 feet.
- d. Sub-basements are exempt from the maximum, building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.
- c. For three-story buildings, the minimum landscaped open space is 30 percent.
- d. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-OPI district.

(12) *Floor area ratio. (F.A.R.).*

~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~

~~c. For three-story buildings, the maximum gross floor area of buildings is 30,000 square feet.~~

~~a. FAR of 1.0.~~

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

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85;

Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-04, § 33, 3-9-04; Ord. No. 5-09, § 13, 4-15-09; Ord. No. 16-2016, § 4, 12-14-16)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1214. Same—Exceptions

- (a) In the C-OPI office, professional and institutional district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.
- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.
- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
- (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
- (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.

(Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1215. Exception to height regulations; special exception structures.

In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the C-OPI office, professional and institutional district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

Three-story guidelines. Lot coverage not more than 25 percent.

(Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1216. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-OPI office, professional and institutional district are contained in article VIII of this chapter.

(Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1217. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-OPI office, professional and institutional district are contained in article IX of this chapter.

(Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1218. Signs.

The sign regulations which may be applicable in the C-OPI office, professional and institutional district are contained in article XI of this chapter.

(Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1219. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1220. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1221. Lot grade topography and drainage.

In the C-OPI, office, professional and institutional district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1222—134-1255. Reserved.

DIVISION 11. C-PC PLANNED CENTER DISTRICT⁴

Sec. 134-1256. Purpose and intent.

~~It is the intent of the C-PC planned center district to~~

The purpose of the C-PC planned center district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

(2) Preserve and enhance an area of unique character oriented toward a combination of office, professional and retail uses to be developed either as a unit or as individual parcels. ~~Further, it is the intent of this district to~~

(3) Enhance the town-serving character of the area through limitation on maximum gross ~~leasable floor area (GLA)~~(GFA).

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1257. Permitted uses.

(a) The permitted uses in the C-PC planned center district commercial district, with a maximum of 3,000 with no limitations on gross ~~leasable area (GLA)~~ floor area (GFA) are as follows:

- (1) Appliance services.
- (2) Bookstore/newsstand.
- (3) Business and professional offices/services and executive office suites, excluding veterinarian offices.
- (4) Churches, synagogues and other houses of worship.
- (5) Dance instruction/studio.
- (6) Drugstore/pharmacy.
- (7) Florist.
- (8) Formal wear rental.
- (9) Furniture.
- (10) Hardware/home improvements.

⁴Cross reference(s)—Businesses, ch. 22.

- (11) Hobby shop.
- (12) Laundry/dry cleaning.
- (13) Locksmith.
- (14) Medical services.
- (15) Optician/optometrist.
- (16) Picture framing.
- (17) Photocopying.
- (18) Photographic studio.
- (19) Print shop.
- (20) Secretarial services.
- (21) Shoe repair.
- (22) Tobacconist.
- (23) Tailor/dressmaker.
- (24) Temporary help.
- (25) Travel agent.
- (26) Yard goods.
- (27) Maximum 3,000 square feet of ~~GLA~~ ~~GFA~~. All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.

- (b) *Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than 3,000 ~~gross floor area square feet of gross leasable area (GLA)~~ shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter). However, all future changes of use shall be limited to those uses listed as permitted uses in subsection (a) of this section with a maximum ~~gross leasable area~~ of 3,000 ~~square feet, gross floor area~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a ~~gross leasable area building~~ exceeding 3,000 ~~gross floor area square feet~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 ~~gross floor area square feet, in a district with a 3,000-square-foot limitation~~, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. No existing commercial use which is subject to the 3,000 ~~square feet~~ maximum ~~gross leasable area (GLA)~~ ~~gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing licensed businesses,*

which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA)~~ gross floor area to more than 3,000 square feet.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-04, § 25, 3-9-04; Ord. No. 7-2014, § 8, 5-14-14; Ord. No. 3-

Sec. 134-1258. Accessory uses.

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Drive-in business service facilities.
- (4) Accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1259. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-PC planned center district are as follows:
 - (1) Public or private parking or storage garages.
 - (2) Private, social, swimming, tennis and yacht clubs.
 - (3) Public structures/uses.
 - (4) Essential services related to town-owned municipal buildings and structures.
 - (5) Supplemental parking per sections 134-2177 and 134-2182.
 - (6) Restaurants, excluding formula restaurants as defined in section 134-2, theaters, nightclubs, lounges/bars.
 - (7) Museums.
 - (8) Veterinarian/animal clinic.
 - (9) Auto rental.

- (10) Banks and financial institutions.
- (11) All retail and personal service activities exceeding 3,000 square feet gross ~~leasable area~~ floor area not specifically cited under the permitted uses in subsection 134-1257(a)(2).
- (12) Timesharing uses at a maximum of nine units per acre and hotels at a maximum of 26 units per acre.
- (13) Roof-deck automobile parking.
- (14) Nonprofit cultural centers.
- (15) Veterinarian offices.
- (16) Outdoor seating in conjunction to permitted restaurants. See section 134-1260 for additional conditions.
- (17) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (18) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.
- (19) Retail specialty foods, including incidental sale of prepared foods for takeout.
- (b) An owner or tenant of a property, located within the C-PC district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-03, § 5, 3-11-03; Ord. No. 4-08, § 11, 4-7-08; Ord. No. 2-2011, § 7, 7-13-11; Ord. No. 3-2012, § 6, 4-11-12; Ord. No. 7-2014, § 8, 5-14-14; Ord. No. 1-2017, § 1, 2-15-17; Ord. No. 3-2017, § 2, 4-12-17; Ord. No. 30-2017, § 4, 1-10-18; Ord. No. 02-2019, § 12, 3-19-19; Ord. No. 01-2021, § 8, 2-10-21; Ord. No. 12-2021, § 8, 6-9-21; Ord. No. 16-2021, § 12, 8-11-21)

Sec. 134-1260. Reserved.

Ord. No. 16-2021, § 12, adopted August 11, 2021, repealed § 134-1260, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 1-2017, § 2, 2-15-17. Formerly § 134-1260, pertained to accessory structures, and derived from Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99.

Sec. 134-1261. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1257 which involve more than 2,000 square feet of building floor area of buildings in the C-PC planned center district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

(Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85)

Sec. 134-1262. Lot, yard and area requirements—Generally.

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

- (1) *Lot area.* The minimum lot area is 4,000 square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* See article III of this chapter for site plan review requirements.
- (5) *Front yard.* All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of

the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.

(6) *Side yard.* There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.

(7) *Rear yard.*

- a. For one-story buildings, the minimum rear yard setback is ten feet.
- b. For two-story buildings, the minimum rear yard setback is ten feet.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 25 feet.
- c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 70 percent.
- b. For two-story buildings, the maximum lot coverage is 35 percent.

(10) *Length.* The maximum building length is 150 feet.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.

(12) *Floor area ratio (F.A.R.).*

a. FAR of 1.0.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§

3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-04, § 45, 3-9-04)

Sec. 134-1263. Same—Exceptions.

- (a) In the C-PC planned center district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.
- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.
- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
- (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
- (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.

(Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02)

Sec. 134-1264. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-PC planned center district are contained in article VIII of this chapter.

Sec. 134-1265. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-PC planned center district are contained in article IX of this chapter.

Sec. 134-1266. Signs.

The sign regulations which may be applicable in the C-PC planned center district are contained in article XI of this chapter.

Sec. 134-1267. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1268. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00)

Sec. 134-1269. Lot grade topography and drainage.

In the C-PC, planned center district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1270—134-1300. Reserved.

*DIVISION 12. C-B COMMERCIAL **BUSINESS** DISTRICT⁵*

Sec. 134-1301. Purpose.

The purpose of the C-B commercial **business** district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

(2) Create an environment especially suited to a group of professional and administrative offices compatible in appearance with single-family housing.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1302. Permitted uses.

(a) Enumeration; maximum gross **leasable floor** area. The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.

(b) The permitted uses in the C-B commercial **business** district are as follows:

(1). Business and professional offices/services and executive office suites, excluding veterinarians.

(2) Banks and financial institutions.

(3) Churches, synagogues or other houses of worship.

(4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-04, § 26, 3-9-04; Ord. No. 2-2011, § 8, 7-

⁵Cross reference(s)—Businesses, ch. 22.

13-11; Ord. No. 7-2014, § 9, 5-14-14; Ord. No. 8-2017, § 4, 4-12-17; Ord. No. 12-2021, § 9, 6-9-21)

Sec. 134-1303. Accessory uses.

- (a) The accessory uses in the C-B commercial business district require a site plan and review as provided in article III of this chapter.
- (b) The accessory uses in the C-B commercial business district are as follows:
 - (1) Off-street parking and loading.
 - (2) Signs.
 - (3) Accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 14, 4-15-09; Ord. No. 16-2021, § 11, 8-11-21)

Sec. 134-1304. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial business district are as follows:
 - (1) Public or private parking lots or storage garages.
 - (2) Auto rental lot.
 - (3) Supplemental parking per sections 134-2177 and 134- 2182.
 - (4) Public or private academic schools.
 - (5) Hotels at a maximum of 26 units per acre.
 - (6) Timesharing uses at a maximum of nine units per acre.
 - (7) Roof-deck automobile parking.
 - (8) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1302 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable floor area.
 - (9) Nonprofit cultural centers.

- (10) Outdoor cafe seating for restaurants, only hotels, condo-hotels, dining rooms provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (11) Condo-hotels at a maximum of 17 units per acre, in accordance with section 134-2110.
- (12) Essential services related to town-owned municipal buildings and structures.
- (13) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.
- (b) An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

Sec. 134-1305. Reserved.

Ord. No. 16-2021, § 13, adopted August 11, 2021, repealed § 134-134-1305, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 5-09, § 16, 4-15-09.

Sec. 134-1306. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-B commercial **business** district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish

antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

Sec. 134-1307. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1302 which involve more than 2,000 square feet of building floor area of buildings in the C-B commercial business district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

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

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

- (1) *Lot area.* The minimum lot area is 15,000 square feet.
- (2) *Lot width.* The minimum lot width is 100 feet.
- (3) *Lot depth.* The minimum lot depth is 150 feet.
- (4) *Density.*
 - a. The maximum density for hotels within C-B commercial district shall be 26 dwelling units per acre.
 - b. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*
 - a. For one-story buildings, the minimum front yard setback is ten feet.
 - b. For two-story buildings, the minimum front yard setback is ten feet.
 - c. The minimum front yard setback is 25 feet when applied to hotel uses and timesharing uses permitted as a special exception in a C-B business district.

- d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.

(6) *Side yard.*

- a. For one-story buildings, the minimum side yard setback is ten feet.
- b. For two-story buildings, the minimum side yard setback is ten feet.
- c. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.

(7) *Rear yard.*

- a. For one-story buildings, the minimum rear yard setback is 15 feet.
- b. For two-story buildings, the minimum rear yard setback is 15 feet.
- c. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 25 feet.
- c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 60 percent.
- b. For two-story buildings, the maximum lot coverage is 30 percent.
- c. The maximum lot coverage for two-story buildings is 50 percent when applied to hotel uses and timesharing uses permitted as a special exception in a C-B commercial business district.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each, be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 20 percent.
- b. For two-story buildings, the minimum landscaped open space is 30 percent.
- c. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-B commercial business district.

(12) Floor area ratio. (F.A.R.).

- a. The FAR of 1.0.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 5-09, § 16, 4-15-09; Ord. No. 16-2016, § 5, 12-14-16; Ord. No. 04-2018, § 21, 4-11-18)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1309. Same—Exceptions

- (a) In the C-B commercial district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.
- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curbline or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
- (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
- (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.
- (g) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a the required side or rear yard setback.

Editor's note(s)—See note at section 134-1305.

(Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02; Ord. No. 5-09, § 16, 4-15-09; Ord. No. 19-2021, § 4, 9-13-21)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1310. Commercial buildings.

In addition to the site plan review required by article III of this chapter, the town council shall consider the following guidelines and development requirements in connection with such review of commercial buildings in the C-B commercial **business** zoning district:

- (1) *Maximum dimension.* The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.
- (2) *Distance between buildings.* The side of any building shall be no closer to the side, front, or rear of any other building than 20 feet.

(Ord. No. 2-74, § 6.55(a), 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85; Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1311. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-B commercial business district are contained in article VIII of this chapter.

(Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1312. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-B commercial business district are contained in article IX of this chapter.

(Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1313. Signs.

The sign regulations which may be applicable in the C-B commercial business district are contained in article XI of this chapter.

(Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1314. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1315. Architectural tower features.

In the commercial **business** zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00; Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1316. Lot grade topography and drainage.

In the C-B commercial **business** district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1317—134-1350. Reserved.

DIVISION 13. C CONSERVATION DISTRICT⁶

Sec. 134-1351. Purpose.

~~The purpose of the C conservation district is to preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.~~

The purpose of the C conservation district is to:

(1) Implement the Conservation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.

~~(1)(2)~~ Preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1352. Permitted uses.

There are no permitted uses in the C conservation district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 7, 12-12-12)

⁶Cross reference(s)—Natural resource protection, ch. 66.

Sec. 134-1353. Accessory uses.

The accessory uses in the C conservation district are other accessory uses customarily incident and approved special exception as a use.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 12-2017, § 1, 5-10-17)

Sec. 134-1354. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C conservation district are as follows:

- (1) Municipally owned and operated parks, and recreation areas.
- (2) All essential services, excluding wireless telecommunication towers and distribution electrical substations.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 4-08, § 5, 4-7-08; Ord. No. 16-2012, § 15, 12-12-12; Ord. No. 12-2017, § 2, 5-10-17; Ord. No. 02-2019, § 14, 3-19-19)

Sec. 134-1355. Prohibited activity.

It shall be unlawful for any person, organization or governmental entity to use, remove, relocate or plant any landscape material on uplands within the conservation district without a permit pursuant to chapter 66 of this Code. This includes the use of mulch, removal of exotic plant material and/or the planting of native landscape material. It shall be unlawful to make any alterations for the purpose of allowing or promoting the use of conservation land for any public or private purpose other than that allowed by special exception use.

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(Ord. No. 12-2017, § 3, 5-10-17)

Secs. 134-1356—134-1390. Reserved.

Draft Proposed Changes are Based on 2024 Comprehensive Plan

DIVISION 14. PUD PLANNED UNIT DEVELOPMENT DISTRICT

~~Sec. 134-1391. Purpose:~~

~~The purpose of a PUD planned unit development district is to:~~

~~Encourage flexibility in the design and development of land in order to encourage its most appropriate use; Facilitate the adequate and economic provision of streets, utilities and public spaces; Preserve the natural and scenic qualities of open areas.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) — (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) — (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) — (h), 3-1-84; Ord. No. 1-85, § 2(g) — (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) — (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) — (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1 — 7, 2-9-93)~~

~~Sec. 134-1392. Procedure for approval of planned unit development:~~

~~The procedure and requirements for approval of a planned unit development is in article V of this chapter.~~

~~Sec. 134-1393. Permitted uses:~~

~~The permitted uses in the PUD planned unit development district are as follows:~~

- ~~(1) Planned unit development, as provided in article V of this chapter.~~
- ~~(2) Golf course.~~
- ~~(3) Single-family dwellings.~~
- ~~(4) Essential services.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) — (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) — (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) — (h), 3-1-84; Ord. No. 1-85, § 2(g) — (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) — (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) — (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1 — 7, 2-9-93; Ord. No. 16-2012, § 8, 12-12-12)~~

~~Sec. 134-1394. Accessory uses.~~

~~The accessory uses in the PUD planned unit development district are accessory uses customarily incident to the permitted or approved special exception uses:~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)~~

~~Sec. 134-1395. Special exception uses.~~

~~The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the PUD planned unit development zoning district are as follows:~~

~~(1) Private social, swimming, golf, tennis and yacht clubs.~~

~~(2) Municipally owned and operated parks and recreations areas.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 16, 12-12-12)~~

~~Sec. 134-1396. Lot, yard and area requirements.~~

~~In the PUD district, the schedule of lot, yard and area requirements as given in this section apply to single-family permitted uses which are not a part of a PUD application. See article V of this chapter for appropriate standards for all PUD districts.~~

~~(1) Lot area. The minimum lot area is 20,000 square feet.~~

~~(2) Lot width. The minimum lot width is 100 feet.~~

~~(3) Lot depth. The minimum lot depth is 150 feet.~~

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~~(4) *Density*. The maximum density is two dwelling units per acre.~~

~~(5) *Front yard*. The minimum front yard setback is 30 feet.~~

~~(6) *Side yard*. The minimum side yard setback is 15 feet.~~

~~(7) *Rear yard*. The minimum rear yard setback is 15 feet.~~

~~(8) *Height and overall height*. The maximum building height is 25 feet, not to exceed two stories.~~

~~(9) *Lot coverage*. The maximum lot coverage is 35 percent.~~

~~(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a) — (e), 3-1-84; Ord. No. 1-85, § 2(b) — (f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b) — (d), 2-6-89; Ord. No. 1-90, § 2(a) — (e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2 — 4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98)~~

~~Sec. 134-1398. Off-street parking and loading.~~

~~The off-street parking or loading requirements which may be applicable in the PUD planned unit development district are contained in article IX of this chapter.~~

~~Sec. 134-1399. Signs.~~

~~The sign regulations which may be applicable in the PUD planned unit development district are contained in article XI of this chapter.~~

~~Sec. 134-1400. Accessory structures.~~

~~*Dish antennas*. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or~~

~~unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in the PUD zoning districts shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.~~

~~(Ord. No. 1-99, § 10, 4-5-99)~~

~~Sec. 134-1401. Air conditioning and generator equipment.~~

~~Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.~~

~~(Ord. No. 1-99, § 11, 4-5-99)~~

~~Sec. 134-1402. Lot grade topography and drainage.~~

~~In the PUD, planned unit development district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.~~

~~(Ord. No. 19-2021, § 5, 9-13-21)~~

~~Secs. 134-1403—134-1470. Reserved.~~

Sec. 134-1403

[All approved PUD's are vested for their existing development rights. Any proposed amendments to an approved PUD shall be processed pursue to the provisions of this zoning code as amended from time to time].

DIVISION 15. BEACH AREA⁷

~~Sec. 134-1471. Location.~~

~~Certain lands in the town lying along the Atlantic Ocean and indicated on the zoning map are defined to be beach area, and are subject to the provisions of this division (see the accompanying zoning map as defined by section 134-752 for the specific location of the beach area).~~

~~(Ord. No. 2-74, § 5.47, 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93)~~

~~Sec. 134-147~~²¹. Purpose.

The purpose of the BA district is to:

- (1) Implement the Beach Area Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) To protect certain lands in the Town lying along the Atlantic Ocean and indicated on the Future Land Use and Zoning Maps to be Beach area and are subject to the provisions of this division.

~~(Ord. No. 2-74, § 5.47, 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93)~~

Sec. 134-1472. Permitted uses and structures.

The permitted uses and structures in the Beach Area district are as follows:

- (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet.
- (2) Beach chairs and umbrellas.
- (3) Seawalls, dune cross overs and stairs.

⁷Cross reference(s)—Beaches and aquatic activities, § 74-136 et seq.

- (4) Special events as defined in section 106-256, and approved by the town.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1473. Special exception uses and structures.

- (a) The special exception uses and structures require a site plan review as provided in article III of this chapter. The special exception uses in the B-A, Beach Area district are as follows:

- (1) One beach ~~cabana~~ house ~~structure~~.
- (2) Beach concessions related to an abutting hotel use and only for the use of hotel guests, visitors or those persons associated with the hotel, including the sale of sunblock and lotions; food and drink service; kayak, canoe, paddle board, surfboard, and similar non-motorized watercraft rentals.
- (3) Public structures.
- (4) Essential services.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1474. Height, width and length limit for properties adjacent to properties in the R-B district.

- (a) No structure or beach building more than one story or exceeding eight feet in height as measured from the natural grade or crown of the road, whichever is less, to the underside of the roof, plus four feet in height to the highest point of the roof, with maximum dimensions no greater than ten feet by 20 feet but occupying not more than 20 percent of the width of the lot shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special exception under subsection (b). However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins, or other structures for the protection of the beachfront.
- (b) For properties lying east of Ocean Boulevard and having a lot frontage of 125 feet or greater, the maximum size of a beach house may be increased, by approval of a special exception, up to the maximum size set forth in the following table; and, provided further that all other conditions and standards set forth in this section are met, and the special exception is found to meet the standards of sections 134-227 through 134-233.

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Table 134-1475		
	ON LOTS OF 125 BUT LESS THAN 150 FEET IN WIDTH	ON LOTS 150 FEET OR GREATER IN WIDTH
a.	Maximum Size: 350 square feet	Maximum Size: 500 square feet
b.	Neither width nor depth shall exceed 20 feet	Maximum dimensions: 20 feet by 25 feet

- (c) Except to the extent that any of the regulations below are in conflict with state statute or DEP rules and regulations or with requirements of the U.S. Fish and Wildlife Commission, all properties described herein shall comply with the following requirements. In regard to the requirements referenced below, in the event of an allegation of conflict between the town rules and the state statute and state rules regarding same, the town shall contact the state and the state will make the final determination in regard to the extent of any conflict.
- (1) No walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of Ocean Boulevard to a height greater than four feet above the surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained.
 - (2) Beach **cabana** houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean Boulevard.
 - (3) To ensure the ecological integrity of the beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in section 66-311. The property shall, thereafter, be maintained free of all these species.
 - (4) Any trimming required to bring hedges into compliance with this section shall be effectuated no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
 - (5) Existing canopy trees exceeding six feet in height should be trimmed to a height of six feet in accordance with DEP rules. Palm trees shall have a minimum of four feet of clear trunk at the time of planting. Compliance shall be met no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.

(6) The applicant shall provide the town with a coastal construction control line (CCCL) permit from the DEP where trimming and maintenance of vegetation requires a CCCL permit. When CCCL permitting is required through the DEP, the property owner shall request the DEP to issue a CCCL permit that will attain the town ocean vista standards to the maximum extent possible and within the shortest time allowable. Any DEP permit conditions, such as plant height specifications, that may deviate from the town's ocean vista regulations shall take precedence over the town requirements. In the event a permit is required, compliance shall be extended to a date five days subsequent to the date upon which the permit is finally acted on by DEP.

(7) The potential for the trespass of artificial light to marine nesting habitat shall be taken into consideration for any trimming of existing vegetation.

(8) No parking will be allowed in the beach area district.

(Ord. No. 2-74, § 5.47(a)(1), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 1-97, § 10, 2-17-97; Ord. No. 1-04, § 1, 3-9-04; Ord. No. 8-09, § 1, 8-12-09; Ord. No. 4-10, § 4, 2-10-10; Ord. No. 31-2011, § 1, 1-11-12; Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1475. Height, width and length limit for properties adjacent to properties in districts other than R-B.

(a) No structure or beach building more than one story, but not to exceed 16 feet in height to the highest point of the roof, as measured from the natural grade or crown of the road, whichever is less, with maximum dimensions no greater than 20 feet by 25 feet shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special exception under subsection (b). However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins or other structures for the protection of the beachfront.

(b) For properties lying east of Ocean Boulevard and having a lot frontage in excess of two times the minimum required under section 134-1474, the maximum size of a beach house may be increased up to a maximum 2,000 square feet, provided however that:

(1) The maximum width of the structure along the frontage of Ocean Boulevard shall not exceed 45 feet.

- (2) The required ocean vista shall exist from the front to rear lot lines equal to 75 percent of the lot width;
 - (3) The beach ~~cabana~~ house ~~structure~~ shall be set back not less than 35 feet from the west property line; and
 - (4) All other requirements of sections 134-1473 and 134-1474 are met and the special exception is found to meet the standards of sections 134-227 through 134-233.
- (c) Except to the extent that any of the regulations below are in conflict with state statute or DEP rules and regulations or with requirements of the U.S. Fish and Wildlife Commission, all properties described herein shall comply with the following requirements. In regard to the requirements referenced below, in the event of an allegation of conflict between the town rules and the state statute and state rules regarding same, the town shall contact the state and the state will make the final determination in regard to the extent of any conflict.
- (1) No walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of Ocean Boulevard to a height greater than four feet above the surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained.
 - (2) Beach houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean Boulevard.
 - (3) To ensure the ecological integrity of the Beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in section 66-311. The property shall, thereafter, be maintained free of all these species.
 - (4) Any trimming required to bring hedges into compliance with this section shall be effectuated no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
 - (5) Existing canopy trees exceeding six feet in height should be trimmed to a height of six feet in accordance with DEP rules. Palm trees shall have a minimum of four feet of clear trunk at the time of planting. Compliance shall be met no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.

(6) The applicant shall provide the town with a coastal construction control line (CCCL) permit from the DEP where trimming and maintenance of vegetation requires a CCCL permit. When CCCL permitting is required through the DEP, the property owner shall request the DEP to issue a CCCL permit that will attain the town ocean vista standards to the maximum extent possible and within the shortest time allowable. Any DEP permit conditions, such as plant height specifications, that may deviate from the town's ocean vista regulations shall take precedence over the town requirements. In the event a permit is required, compliance shall be extended to a date five days subsequent to the date upon which the permit is finally acted on by DEP.

(7) The potential for the trespass of artificial light to marine nesting habitat shall be taken into consideration for any trimming of existing vegetation.

(8) No parking will be allowed in the beach area district.

(Ord. No. 2-74, § 5.47(a)(2), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 1-97, § 10, 2-17-97; Ord. No. 1-02, § 1, 3-12-02; Ord. No. 1-04, §§ 2, 3, 3-9-04; Ord. No. 2-05, § 8, 5-10-05; Ord. No. 8-09, § 1, 8-12-09; Ord. No. 4-10, § 5, 2-10-10; Ord. No. 31-2011, § 2, 1-11-12; Ord. No. 17-2019, § 12, 6-12-19)

(b) Beach house structures shall be set back not less than ten feet from the north property line and shall be set back not less than ten feet from the south property line and shall be setback not less than ten feet from the west property line. However, these restrictions shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins or other structures for the protection of the beachfront. No such beach house structure or lot shall ever be used for any purpose other than private bathing purposes incidental to the ownership thereof, such use to be an accessory to the residential building located directly across the street therefrom or within a radius of 1,500 feet and with unity of title thereof, or such use to be an accessory use for an association of property owners on the adjacent east-west streets and provided, further, that such beach house structure has been approved as a special exception use in conformance with sections 134-227 through 134-223.

(c) Temporary tents shall be permitted pursuant to the dimensional and setback requirements for beach structures in this district and the requirements set forth in chapter 18, article XV.

(Ord. No. 2-74, § 5.47(b), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91;

Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 16-09, § 5, 11-12-09;
Ord. No. 4-10, § 6, 2-10-10; Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1476. Number of beach cabana house ~~buildings~~ and setback.

- (a) Not more than one beach cabana house ~~structure~~ shall be erected on property under single ownership, and not more than one beach cabana house ~~structure~~ shall be erected on a lot in accordance with the following minimum lot frontage requirement:

Table 134-1474	
Beach Area Property Adjacent To	Minimum Lot Frontage (feet)
R-B district	100
R-A district	125
R-AA district	150
All other districts	150

Sec. 134-1477. Supplementary district regulations.

The supplementary district regulations which may be applicable to the Beach area district are contained in article VIII of this chapter.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1478. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the Beach area district are contained in article IX of this chapter.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1479. Signs.

The sign regulations which may be applicable in the Beach area district are contained in article XI of this chapter.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1480. Accessory structures.

Dish antennas located in the Beach area zoning district shall be subject to the dish antenna regulations of the zoning district to which the beach area property is adjacent.

(Ord. No. 1-99, § 10, 4-5-99; Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1481. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 17-2019, § 12, 6-12-19)

DIVISION 16. CI CULTURAL INSTITUTION DISTRICT

Sec. 134-1482. Purpose.

The purpose of the CI Cultural Institution district is to:

- (1) Implement the Private Group Use Future Land Use designation.
- (2) ~~The intent of the CI district is to p~~Provide for uses such as not-for-profit cultural and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of town-persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose, owned and operated by a single not-for-profit cultural and arts institution. A campus owned by a single not-for-profit cultural and arts institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this division and thus applied to the entire campus and not on an individual lot by lot basis.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1483. Permitted uses.

- (1) Not-for-profit cultural and arts institutions are permitted in the CI Cultural Institutional district. For purposes of this Division, a "not-for-profit cultural and arts institution" means any corporation, organization, association, or institution that (a) provides programs or activities in areas directly concerned with the arts or cultural heritage, (b) is not—for—profit and owned and operated by a single cultural and arts institution that has a tax-exempt status with the Internal Revenue Service, and whose net earnings may not lawfully inure to the benefit of any private shareholder, member, or individual, (c) may include one or more museums, art galleries, performing art centers, libraries, and/or botanical and sculpture gardens, and (d) may include one or more accessory uses that are customarily incidental to and directly supportive of such uses, including cooking facilities, lecture halls, classrooms, storage facilities, offices, off-street parking and loading, and not more than a total of three residential units for purposes of no-charge housing to employees, short-term guests, and artists in residence, all of which shall be subject to the conditions and limitations set forth in this division, and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1484. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the CI Cultural Institution district are as follows:

- (1) Outdoor promotional events. See section 134-2115(1) through section 134-2115(8) for additional conditions and criteria.
- (2) Accessory cafe. Not more than one accessory cafe that shall not be open to or advertised as being open to the general public and shall serve only patrons of the not-for-profit cultural and arts institution. The accessory cafe shall offer limited menus that reflect the cafe's purpose of supporting the patrons of the not-for-profit cultural and arts institution. At the discretion of the town council, the accessory cafe may be subject to a declaration of use agreement that addresses the number of seats, hours of operation, and any other conditions of approval imposed by the town council.
- (3) Three-story building. Only one three-story building is permitted per campus. Additions to existing three-story buildings are permitted provided the addition complies with the requirements of this Division.
- (4) Building length greater than 150 feet. Except for any buildings existing on a campus as of the effective date of this ordinance, any new buildings greater than 150 feet in length shall require town council approval for a special exception.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Secs. 134-1485—134-1487. Reserved.

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

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

- (1) Campus area. The minimum area is seven acres or 304,920 square feet.
- (2) Campus width. The minimum width is 300 feet.
- (3) Campus depth. The minimum depth is 300 feet.
- (4) Density. No residential density is permitted other than the residential dwelling unit(s) permitted under section 134-1483 of this division. Residential dwelling

units shall be limited to a maximum of three units within the campus, and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.

(5) Front yard.

- a. When the front yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum front yard setback required.
- b. When the front yard of a lot in the campus adjoins two or more intersecting street lines, there is no minimum front yard required.
- c. When the front yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum front yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum front yard setback shall be 30 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the front yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height. In no case shall the front yard setback be less than 30 feet.

(6) Side yard.

- a. When the side yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum side yard required.
- b. When the side yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum side yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum side yard setback shall be 25 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the minimum side yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height.
- c. When the side yard of a lot in the campus adjoins a public or private roadway interior to the campus, there is no minimum side yard required.

(7) Rear yard.

- a. When the rear yard of a lot in the campus adjoins property zoned a non-residential zoning district, the minimum rear yard setback shall be ten feet.

- b. When the rear yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum rear yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum rear yard setback shall be 30 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the minimum rear yard setback shall be increased by one foot for each one foot of building height above 22 feet exceeding 22 feet in height.
- (8) Separation from single-family use. No three-story buildings, or portion thereof, shall be permitted within 150 feet of a single-family use or single-family residential zoning district. Such distance shall be measured from the property line on which the single-family use or single-family zoning district is located to the building in the CI Cultural Institution district.
- (9) Height and overall height.
 - a. For one-story buildings, the maximum building height is 15 feet.
 - b. For two-story buildings, the maximum building height is 30 feet.
 - c. In the CI Cultural Institution district, the maximum building height allowed by right is two stories, with provision for a special exception for three stories with a maximum building height of 45 feet. See special exception provisions in sections 134-226 through 134-233 (special exception use), and article III of this chapter (site plan review).
 - d. Maximum overall height of a building shall be measured as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (10) Lot coverage. The maximum lot coverage for a campus shall be 30 percent.
- (11) Planar break.
 - a. Buildings that exceed 150 feet in length shall provide a planar break which consists of recesses or projections in the building. The intent is to provide facade articulation that breaks up the building. Planar breaks shall be a minimum of two feet of recessed or projecting building area, or as determined by the landmarks preservation commission or the architectural commission (as applicable).

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

(12) Landscaped open space. The minimum landscaped open space for a campus shall be 25 percent. Not less than 35 percent of the required front yard must be landscaped open space unless a zero front yard setback is provided, then there shall be no required front yard landscaped open space.

(13) Floor area.

- a. For one-story buildings, the maximum gross floor area of buildings is 20,000 square feet.
- b. For two-story and three-story buildings, the maximum gross floor area of buildings is 50,000 square feet.
- c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1489. Statue and/or sculpture.

Notwithstanding the requirements contained in section 134-1727 of the town's Code of Ordinances, the following statues or sculptures shall be permitted by right if located in the CI Cultural Institution district and shall not require the review and approval by the landmarks preservation commission or the architectural commission (as applicable):

- (1) Statues or sculptures nine feet or less in height, or
- (2) Statues or sculptures greater than nine feet, but not to exceed 12 feet, and not visible from a public right-of-way.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1490. Nonconforming buildings and structures.

In the CI Cultural Institution district, any building or structure located at a cultural and arts institution lawfully in existence on the effective date of this division that is made nonconforming by the passage of this section or any applicable amendment thereto, shall

be a legal non-conformity and may be continued, except as otherwise provided in article IV.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1491. Parking.

Where there is a conflict between the requirements contained in sections 134-2175 and 134-2176 of the town's Code of Ordinances and this section, the specific requirements of this section shall govern.

In the CI Cultural Institution district, the following uses within any building or structure located on a cultural and arts institution campus are exempt from providing any required parking:

- (1) Accessory cafe.
- (2) Storage facilities or spaces.
- (3) Cooking facilities.
- (4) Residential dwelling unit(s) as permitted under section 134-1483 of this division.
- (5) Building areas utilized for any back of house operational spaces, such as, but not limited to, green rooms, changing rooms, prop storage areas, wet and dry art work spaces, and any areas associated with the operation of a theater or performing arts facility that do not contain seats or access for patrons.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1492. Reserved.

Sec. 134-1493. Signs.

- (1) In the CI Cultural Institution district, any sign located at a cultural and arts institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued except as otherwise provided in article IV.
- (2) The town recognizes that different types of cultural and arts institutions require different types of signs, sizes, and styles of signage. The landmarks preservation commission or the architectural commission (as applicable) shall approve a master sign plan that specifies all signage by type, size, quantity, material, and placement throughout the cultural and arts institution campus. Any change to an approved

master sign plan or changes to individual signs visible from a public street shall be approved by the landmarks preservation commission (as applicable).

The master sign plan may include different types of signs, sizes, and styles. The design standards below may be considered, but shall not limit the design and placement of such signage:

- a. Campus identification monument signage.
 - 1) Any monument signage shall display the name of the cultural and arts institution with a maximum lettering height of six inches.
 - 2) Monument signs are permitted within the front yard setbacks provided that it does not conflict with the sight triangle requirements of section 134-1637.
 - 3) Maximum height of the monument sign shall be four feet above the grade.
- b. Campus identification portal/gateway-mounted signage.
 - 1) One portal/gateway-mounted sign is allowed at main entrances such as driveways, intersecting roads, or other arrival points, identifying the name of the cultural and arts institution with a maximum lettering height of three inches.
- c. Building-mounted building or venue identification signage
 - 1) One building or venue sign is allowed at each publicly accessible entrance to a building with a maximum lettering height of three and a half inches.
- d. Wayfinding and educational signage. Free-standing or wall mounted signs identifying campus circulation or containing educational information are permitted but shall be limited as follows:
 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of four feet above the grade.
 - 3) A maximum sign width of two feet.
- e. Donor signs are permitted but shall be limited as follows:
 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of two feet above the grade.
 - 3) A maximum dimension of 12 inches by 12 inches.
 - 4) The requirements of this section shall supersede the requirements contained in division 3 of article XI of this chapter.
 - 5) The following signs shall be prohibited on a campus:

PART II - CODE OF ORDINANCES
Chapter 134 - ZONING
ARTICLE VI. DISTRICT REGULATIONS

- a. Neon, including neon tubing signs.
- b. Backlit signs.
- c. Strobing, blinking or flashing signs.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Secs. 134-1494—134-1500. Reserved.

Draft Proposed Changes are Based on 2024 Comprehensive Plan

DIVISION 17. PR PARKS, AND RECREATION DISTRICT

Sec. 134-1501. Purpose and Intent

- (1) The purpose of the PR Parks and Recreation district is to implement the Recreation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) The PR Parks and Recreation district is intended for passive public parks and open space and active recreational uses and activities at a scale and intensity necessary to serve the needs of Town residents and to preserve the natural and scenic resources of the Town.

Sec. 134-1502. Permitted uses.

The permitted uses in the PR Parks and Recreation District are as follows:

- (1) Parks and recreational facilities owned, leased, or operated by the Town, by Palm Beach County, or by the Preservation Foundation.
- (2) Public and private gardens and passive parks.

Sec. 134-1503. Accessory uses.

The accessory uses in the PR Parks and Recreation District are as follows:

- (1) Maintenance buildings for the upkeep of active parks and recreational facilities.

Sec. 134-1504. Special exception uses.

The special exception uses in the PR Parks and Recreation District are as follows:

- (1) Golf courses, including private, semi-private, or public golf courses that are not owned, leased, or operated by the Town or Palm Beach County.
- (2) Indoor fitness centers owned and operated by the Town.
- (3) Ancillary restaurants to the parks and recreational facilities.

Sec. 134-1505. Development parameters

The development standards in the PR Parks and Recreation District are as follows:

- (1) Height.
No building or structure, or part thereof, shall be erected or altered to a height exceeding 30 feet.
- (2) Setbacks and landscape buffers.

The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering the proposed use and development of the park, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

Draft Proposed Changes are Based on 2024 Comprehensive Plan

DIVISION 18. PF PUBLIC FACILITIES DISTRICT

Sec. 134-1511. Purpose and Intent.

- (1) The purpose of the PF Public Facilities district is to implement the Town of Palm Beach Comprehensive Plan Public Future Land Use designation.
- (2) The PF Public Facilities district includes buildings that are owned, operated, and maintained by the Town of Palm Beach or another government entity for the use of Town persons. These facilities are intended to serve the needs of the Town, providing access to essential governmental services.

Sec. 134-1512. Permitted uses.

The permitted uses in the PF Public Facilities district are as follows:

- (1) Public buildings owned, leased, or operated by the Town or Palm Beach County, such as, but not limited to Town Hall, the Police and Fire Departments.
- (2) Public structures.
- (3) Essential services.

Sec. 134-1513. Development standards.

The development standards in the PF Public Facilities district are as follows:

- (1) Height.
No building or structure, or part thereof, shall be erected or altered to a height exceeding the tallest public building.
- (2) Setbacks and landscape buffers.
The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering the proposed use and development of the public facility, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2025

To: Town Council

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

From: Friederike H. Mittner, FAICP, Architectural Review & Historic Preservation Manager
Craig Hauschild, Civil Engineer, Planning, Zoning, & Building / Public Works

Re: ZON-24-0043 (COA-24-0018) 100, 101, 102, & 103 FOUR ARTS PLZ –The Society of the Four Arts - Discussion and Direction Regarding Proposed Construction Screening & Temporary Directional Signage

Date: 11/25/2025

STAFF RECOMMENDATION

Town staff recommends that Town Council approve from April 6, 2026 through October 29, 2027 the installation of the proposed site Construction Screening and Lake Trail Detour Signage.

GENERAL INFORMATION

The Society of the Four Arts; located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Coconut Row intends to undergo a major renovation and expansion. The proposed work requires the installation of Construction Screening to shield the activities.

Furthermore, the Lake Trail, which currently bisects the site, will need to be temporarily rerouted around the site as work is being performed.

The Construction Screening proposed goes beyond what Town Staff can approve. The applicant intends to supplement the screening with some verbiage, renderings of palm trees, and wrapping the scaffolding with a building print, neither of which is permissible outright under the Construction Screening Ordinances. The font size proposed does, however, meet the maximum dimensions and areas permitted by Zoning Code for structures, so as to be consistent with the surroundings. The Palm Tree renderings would run above the solid green from the Intracoastal until the start of the Rovensky building and would help in breaking up the sizable solid color screening, which would be typically installed. This is also an exciting opportunity to introduce the graphic of the landmarked building and it's proposed addition in a screenprint format for passersby to relate to the existing building and fully visualize the project. This concept is implemented in Europe on many historic sites, especially those undergoing long restorations. We are pleased that the applicant has been receptive to exploring this opportunity.

Attached please find a layout of the Construction Screening Plan with renderings of the screening, scaffolding wrap, and the verbiage proposed. Also attached is a copy of the previously approved Lake Trail Detour with proposed renderings of the Lake Trail Detour information signage.

ATTACHMENTS

SOFA - Barricade Signage Package

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community, Mobility and Transportation

Strategic Focus Areas:

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

FUNDING

No Fiscal Impact

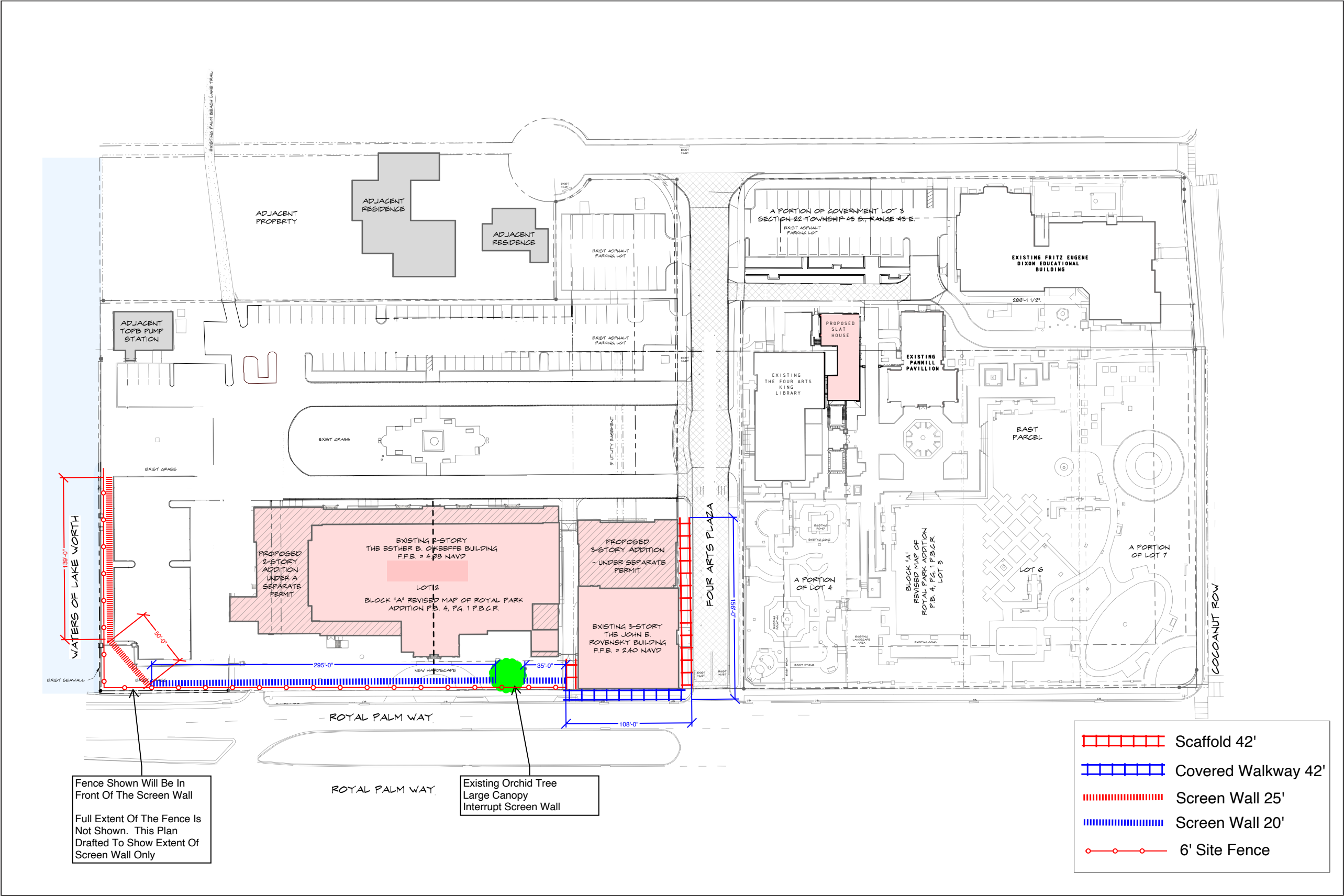
THE SOCIETY OF THE FOUR ARTS
BARRICADE CONCEPT & BIKE LANE SIGNAGE DESIGN

TABLE OF CONTENTS

- 1. Barricade Concept Design
- 2. Bike Lane Signage Design

Barricade Concept Design

SUFFOLK SCREEN WALL PLAN









South Elevation, Royal Palm Way

↑
Letters: Uppercase 9"x 17.5'
(within square footage allowance
throughout for each instance)

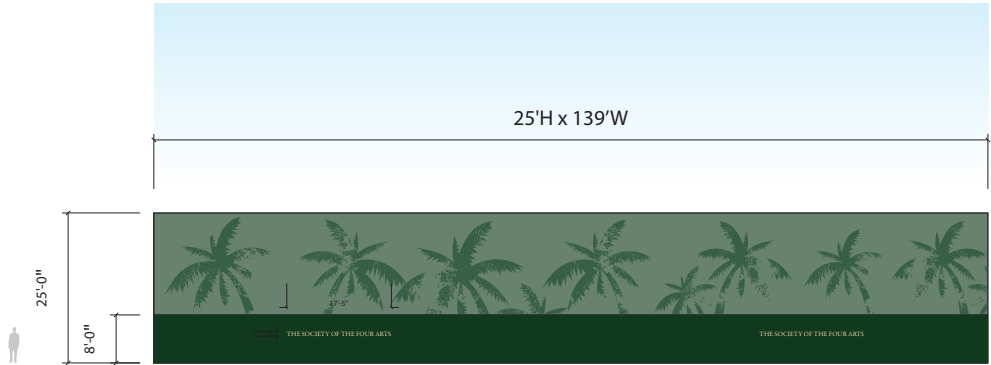


South Elevation, Royal Palm Way

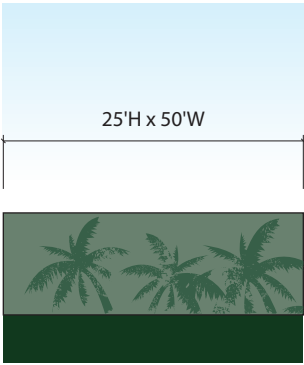
Barricade Concept Design

TALL WALL DIMENSIONS (ELEVATION SECTIONS, FLATTENED)

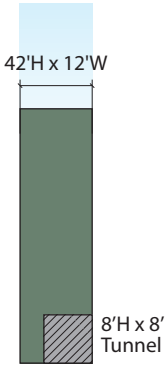
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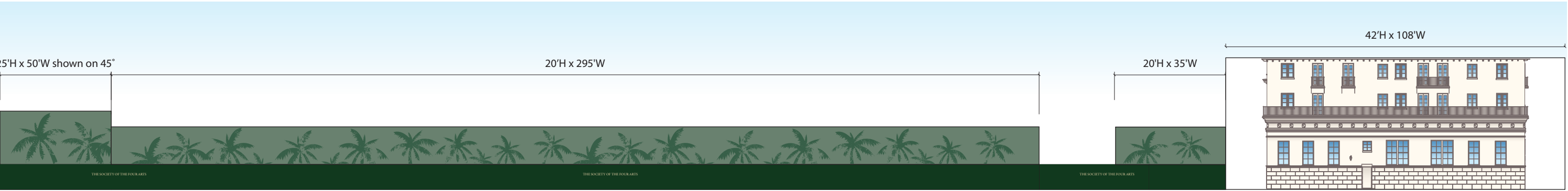
A
West Elevation (Revised) SOFA wordmark = 9" x 17'-5"



B
Corner Elevation (Flattened)



E
Return Elevation

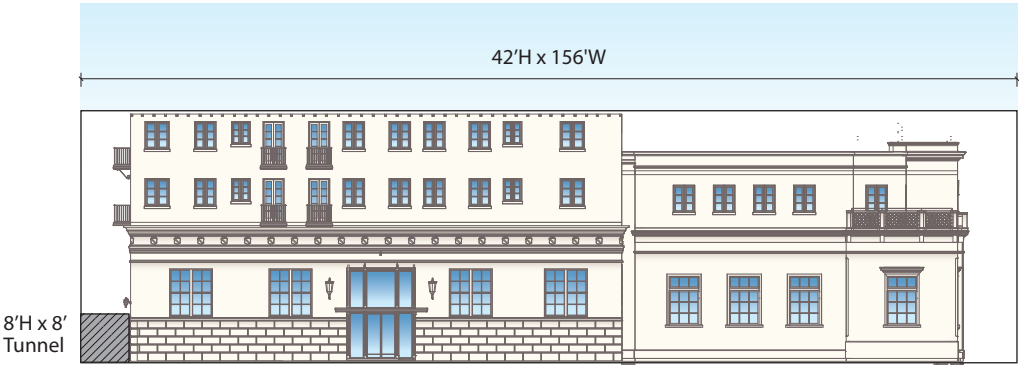


B
Corner Elevation
(Foreshortened)

C
South Run Elevation

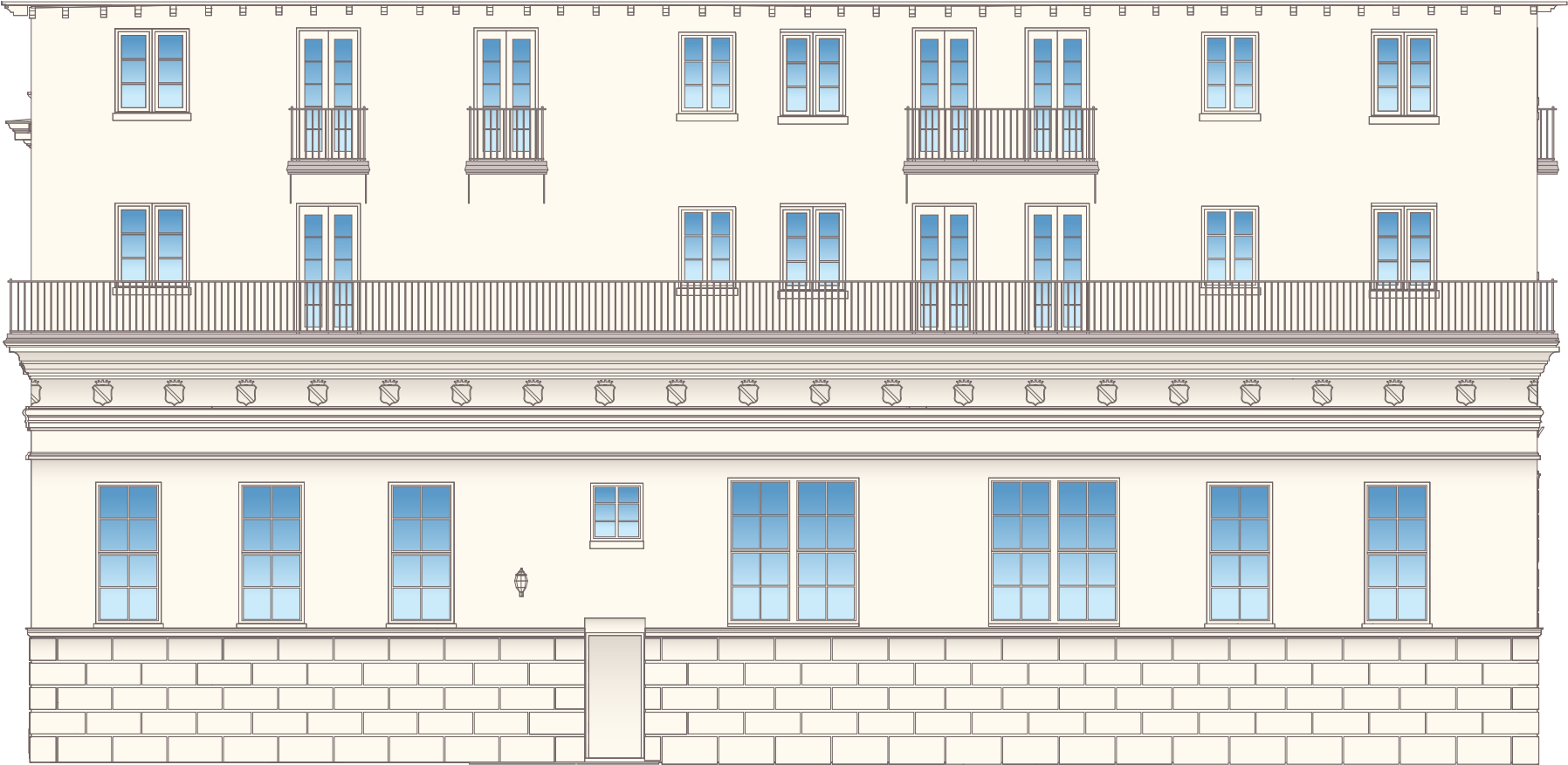
D
Southeast Elevation

F
Rovensky South Facade Elevation
Scaled to Fit - 95%

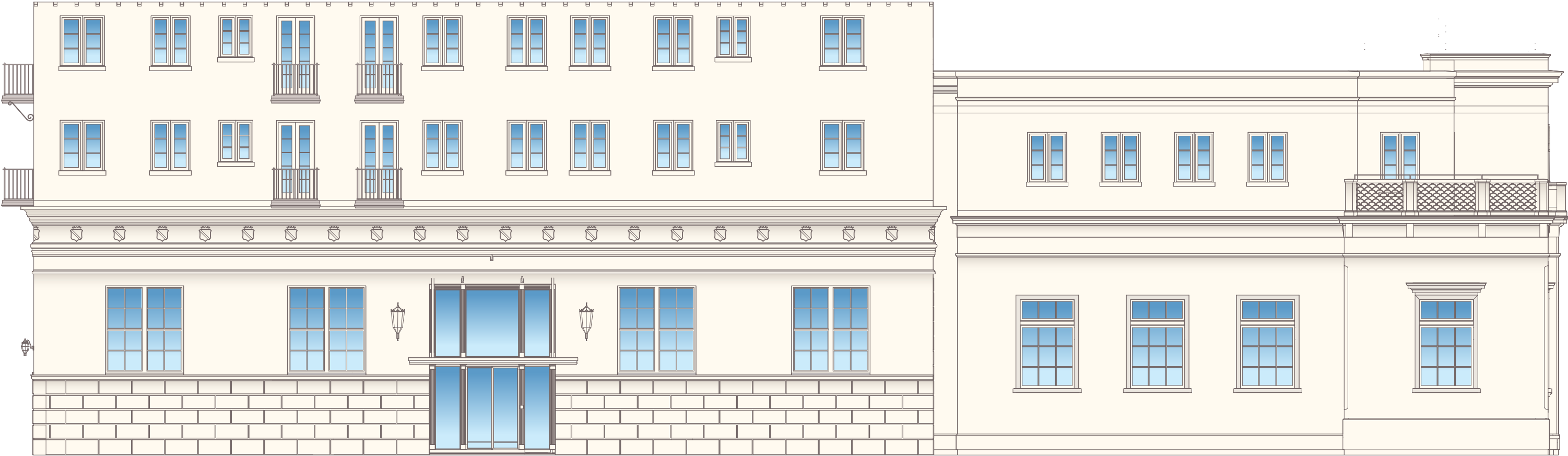


G
Rovensky East Facade Elevation
Scaled to Fit - 95%

ROVENSKY SCRIM APPLICATION - SOUTH FACADE

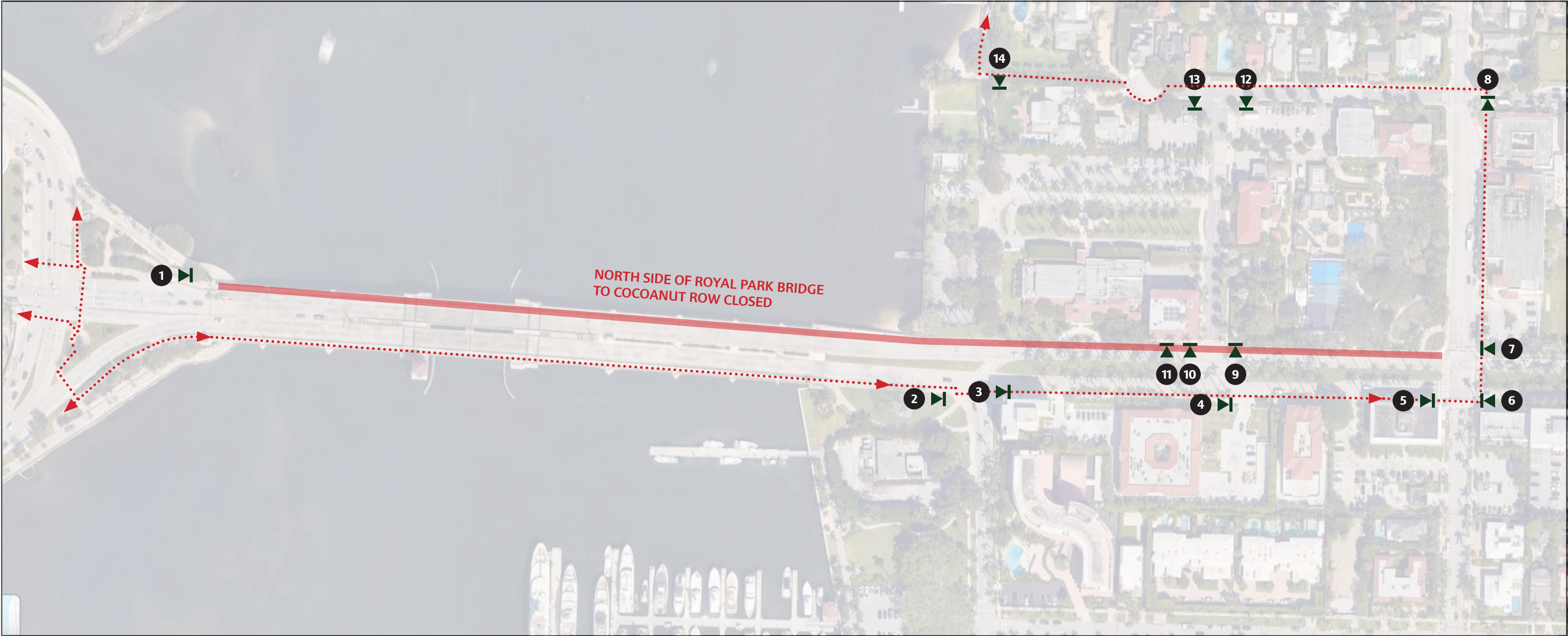


Rovensky Building, South Facade

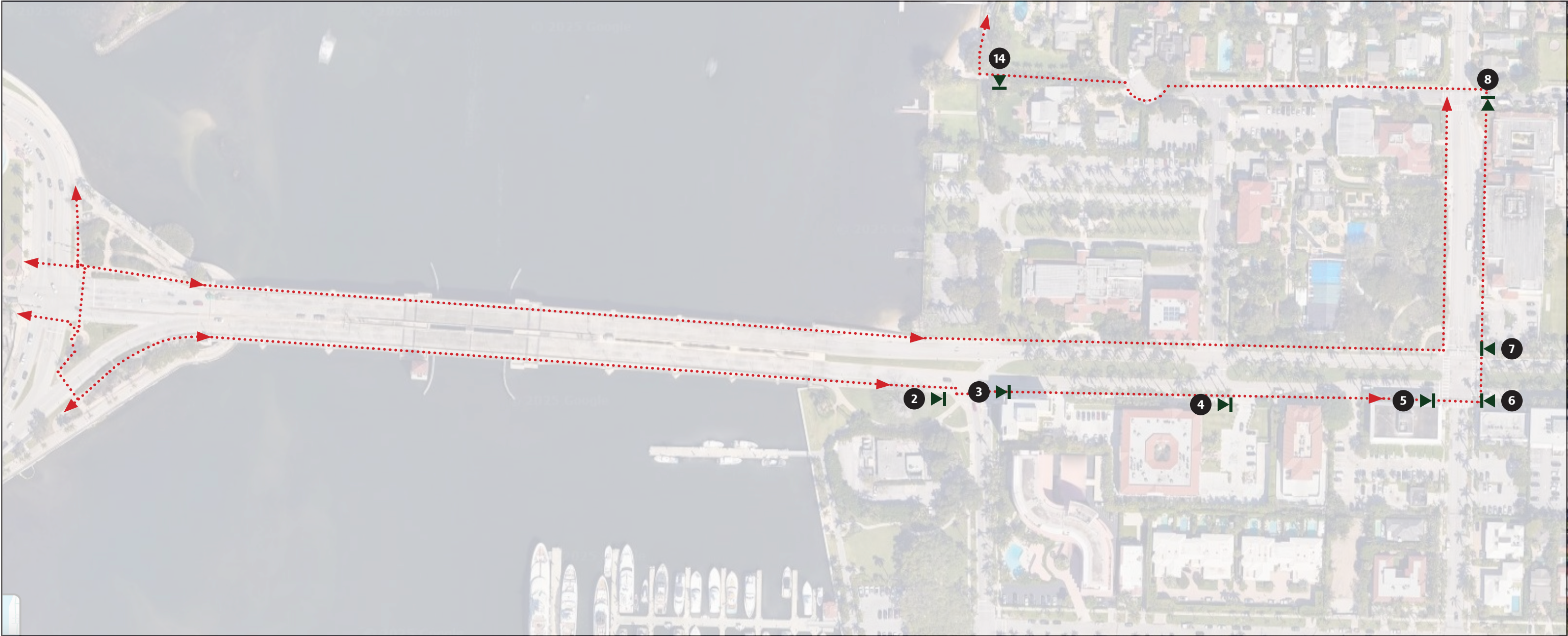


Rovensky Building, East Facade Alt

SOUTH LAKE TRAIL DETOUR PLAN: MARCH 2026 - MAY 2026



SOUTH LAKE TRAIL DETOUR PLAN: MAY 2026 - OCTOBER 2027

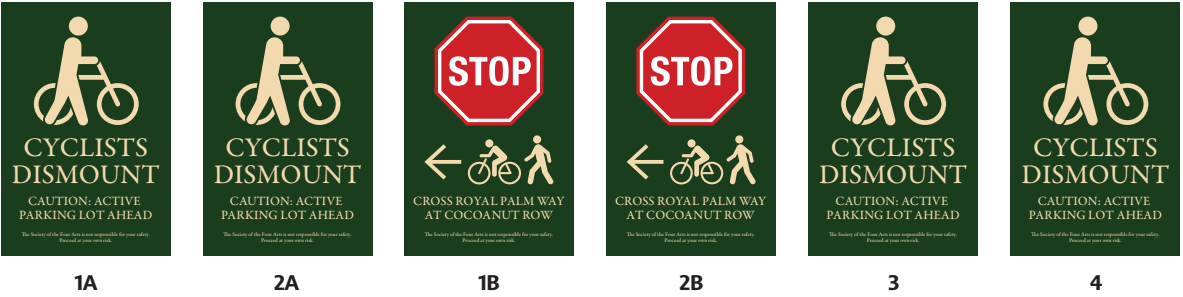


Signs remaining from March 2026 - May 2026 phase

							
LAKE TRAIL ACCESS VIA COCOANUT ROW	LAKE TRAIL ACCESS VIA COCOANUT ROW	LAKE TRAIL ACCESS VIA COCOANUT ROW	LAKE TRAIL ACCESS VIA COCOANUT ROW	LAKE TRAIL ACCESS VIA COCOANUT ROW	LAKE TRAIL ACCESS VIA COCOANUT ROW	LAKE TRAIL ACCESS VIA SEAVIEW AVE	LAKE TRAIL ACCESS VIA COCOANUT ROW

Bike Lane Signage Design

SOUTH LAKE TRAIL DETOUR PLAN: COMPLETE

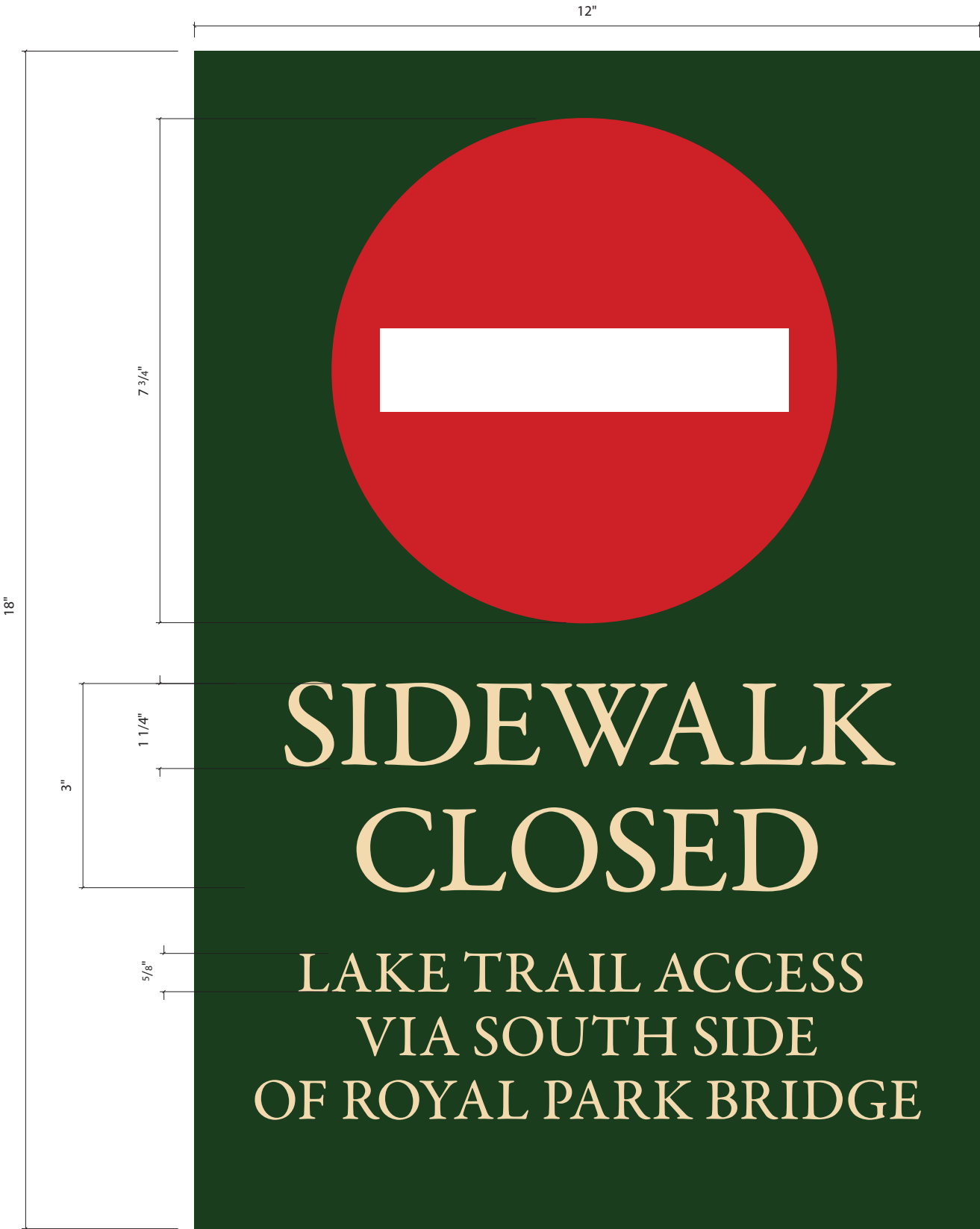


BIKE LANE REGULATORY LAYOUTS



Layout 1

BIKE LANE REGULATORY LAYOUTS

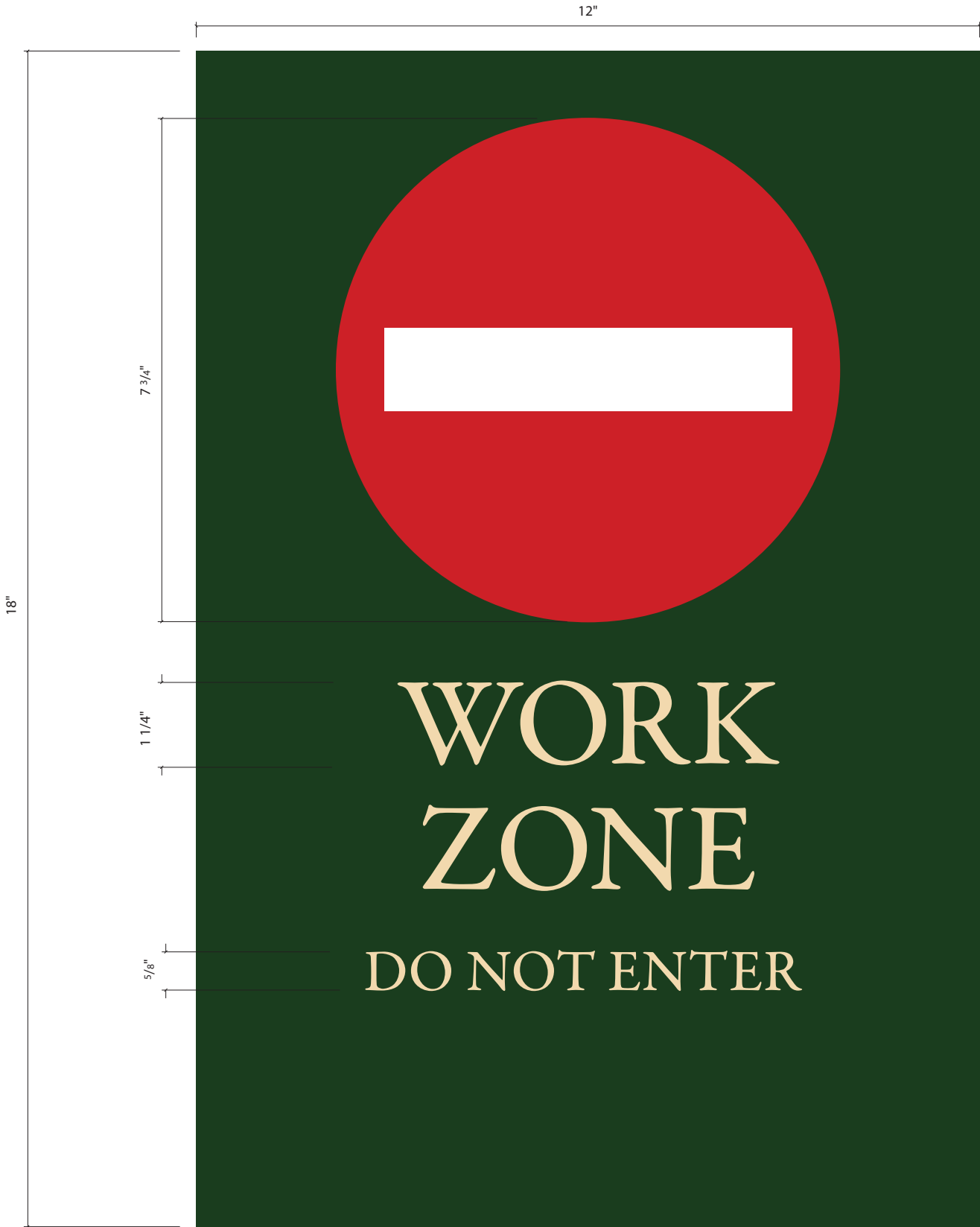


Layout 2



Layout 2 Alt

BIKE LANE REGULATORY LAYOUTS



Layout 2 Alt

BIKE LANE REGULATORY LAYOUTS



Layout 3



Layout 3 Alt

BIKE LANE REGULATORY LAYOUTS



Layout 5



Layout 5 Alt

BIKE LANE REGULATORY LAYOUTS



Layout 5 Alt



Layout 5 Alt