



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

MARCH 2, 2026

9:30 AM

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

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

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES

1. Minutes of the February 3, 2026, Planning and Zoning Commission Meeting
This item will be deferred to April 7, 2026.

APPROVAL OF AGENDA

COMMENTS

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

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

NEW BUSINESS

5. Tranche 4 Introduction
 - 5.1 QUICK FIX #16: Chimneys & Dormers & Towers - Forthcoming
 - 5.2 QUICK FIX #17: Beach Access Stairs

5.3 QUICK FIX #19: Commercial Landmark Properties - Remove Principle of Equivalency Parking

5.4 QUICK FIX #20: Signage on Awning Valance

5.5 QUICK FIX #22: Guest Houses - Forthcoming

5.6 QUICK FIX #23: Tandem Parking

5.7 QUICK FIX #24: Bulkhead, Seawalls, Groins

ANY OTHER BUSINESS

MEETING SCHEDULE

6. The next meeting is scheduled for April 7, 2026

ADJOURNMENT

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

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

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

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning, & Building Staff

Re: Tranche 4 Introduction

Date: 1/29/2026

No attachments; however, a PowerPoint presentation will be provided by staff.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Quality of Life

On-island Mobility

Management of Environmental Threats

Collaborative Town Government

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning & Building Staff

Re: QUICK FIX #16: Chimneys & Dormers & Towers - Forthcoming

Date: 2/23/2026

This quick fix will be forthcoming at a future meeting.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning & Building Staff

Re: QUICK FIX #17: Beach Access Stairs

Date:

ATTACHMENTS

Staff Report

Draft Ordinance No. 009-2026

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on January 14, 2026, Town Council Development Review meeting, staff was directed to amend the zoning code to create provisions for active consideration. These items are affectionately referred to as "Quick Fixes Tranche 04." The presentation was well received with a consensus of the Council to have the "items" to be drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number 17.

Currently, the Town's Zoning Code does not contain clear, consolidated regulations governing private pedestrian access structures connecting oceanfront properties to the beach seaward of bulkheads or seawalls. While such structures have been constructed over time, the absence of defined standards has resulted in inconsistent design approaches and uncertainty regarding placement, setbacks, and permissible features. Staff was directed to prepare code language establishing objective regulations for pedestrian beach access structures that allow reasonable access while minimizing visual, structural, and encroachment impacts along the shoreline.

DISCUSSION:

Oceanfront properties commonly require a safe and practical means of pedestrian access from the upland parcel to the sandy beach located seaward of a privately maintained bulkhead or seawall. These access points typically consist of stairs or ramps extending from the bulkhead face to grade. Although modest in scale, such structures occupy a sensitive interface between private property and the public beach and therefore warrant clearly defined standards.

Quick Fix No. 17 creates a new Section 134-1703 establishing regulations for pedestrian beach access structures. The ordinance defines qualifying structures as unenclosed, uncovered, minimal, non-motorized access systems designed solely to facilitate safe pedestrian movement. The regulations provide measurable setback requirements tied to beachfront width, limit seaward projection from the face of the bulkhead or seawall, restrict the number of such structures to one per beachfront parcel (with a channel of approval when additional structures may be warranted), and prohibit accessory elements such as lighting, plumbing, storage, or other features that could intensify use.

The intent of the ordinance is to balance private property access needs with the Town's interest in maintaining orderly shoreline conditions, preventing encroachments or trespass, and ensuring that such structures remain minimal and functional rather than becoming accessory recreational amenities. By codifying clear dimensional and design standards, the Town reduces ambiguity in permitting, ensures consistent application, and limits potential conflicts between adjacent property owners.

At the March 2nd, Planning & Zoning Commission meeting, the Commission will review Quick Fix #17 for Council approval.

Ordinance No. 009-2026 is ready for approval on First Reading.

WRB:JGM:BMF

ORDINANCE NO. 009-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, BY AMENDING ARTICLE VIII, - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 6, - STRUCTURES, SUBDIVISION I, - IN GENERAL AT SECTION 134-1703, -RESERVED, TO PROVIDE REGULATIONS FOR PEDESTRIAN ACCESS STAIRS AND RAMPS TO THE OCEANFRONT BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 17, that the Town update the Zoning Code to include language regulating pedestrian beach access from private property; and

WHEREAS, Town Council on February 11, 2026, directed PZB staff to address the lack of pedestrian beach access regulations (Quick Fix No. 17) as an immediate priority; and

WHEREAS, the Town’s Planning and Zoning Commission considered the Quick Fixes in Tranche 4 at its meeting of March 4, 2026, and *of Quick Fix No. 17.*

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

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

Section 2. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 6. – Structures, Subdivision I. – In General, Sec. 134-1703 – Reserved, is hereby amended as follows:

Sec. 134-1703 – Pedestrian Beach Access Structures

This section establishes regulations for limited, minimally impactful pedestrian access structures connecting properties along the Atlantic Ocean to the abutting beaches immediately seaward of privately owned and maintained bulkheads or seawalls within the municipal limits of the Town.

The following definitions and regulations shall apply to such structures:

- (a) Pedestrian beach access structures are defined as unenclosed and uncovered stairs, ladders, ramps, and similar permanent forms of minimal, manual, non-motorized pedestrian circulation systems located above-grade whose size, configuration and footprint are the minimum necessary to facilitate safe pedestrian navigation, pursuant to requirements of the Florida Building Code.
- (b) Required setbacks from adjacent properties apply to the entire span and all components of the structure. Setbacks are regulated by the length of beach frontage, which shall be measured along the improved ocean bulkhead or seawall between the property lines intersecting the beach frontage. When lands seaward of a bulkhead or seawall are not contiguously owned by the subject parcel or by another private property owner, the setback of pedestrian beach access structures shall be measured from a line extended

seaward along the same trajectory of the property line at the point where the property line intersects the bulkhead or seawall.

(1) Parcels with more than 30 feet of beach frontage shall provide a minimum 5-foot setback.

(2) Parcels with 30 feet or less of beach frontage shall provide a minimum 5-foot setback whenever possible. When the parcel's width and elevation prohibit a design able to meet these setbacks, the setbacks may be reduced provided that the span of the structure is centered on the parcel and provides equal setbacks to both sides.

(3) The structure may be placed directly on the oceanfront bulkhead or seawall and there is no setback requirement measured from the boundary.

(4) In no instance shall the pedestrian beach access encroach beyond a property line or its seaward projection and the structure's configuration shall not require similar trespass for use.

(c) The maximum projection of the structure shall not extend more than 6-feet seaward of the face of the seawall or bulkhead. Whenever possible the running slope shall be oriented parallel to the bulkhead or seawall.

(d) One (1) pedestrian beach access structure may be permitted per contiguous beachfront parcel of land. Additional structures may be permitted through Administrative Site Plan Review processes.

- (e) A pedestrian gate may be incorporated as part of a pedestrian beach access structure; if placed seaward of the bulkhead, such gate shall not be located beyond the lowest riser or ramp terminus and the gate may be no taller than the height of the structure's guard rails.
- (f) Prohibited conditions for pedestrian beach access structure include:
- (1) Facilitating or causing access from a subject parcel to another privately owned parcel.
 - (2) Enclosed areas, cabinets, coverings or wells for storage.
 - (3) Electric wiring for accessory electrical connections.
 - (4) Pipes or plumbing for outdoor rinsing or bathing.
 - (5) Lighting or illumination.

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this, or any part of this Ordinance are hereby repealed.

Section 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this 4th day of March, 2026; and for the Second and Final Reading on this 15th day of April, 2026.

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, CMC, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning & Building Staff

Re: QUICK FIX #19: Commercial Landmark Properties - Remove Principle of
Equivalency Parking

Date: 2/23/2026

ATTACHMENTS

Staff Report

Draft Ordinance No. 007-2026

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Mobility and Transportation

Strategic Focus Areas:

Quality of Life

Community Preservation

On-island Mobility

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

Pursuant to §163.3191, Florida Statutes, on February 12, 2025, the Town Council of the Town of Palm Beach adopted the 2024 Comprehensive Plan that contains an Introduction, 12 Elements, consisting of Goals, Objectives and Policies that are based upon data and analysis of historical and current statistics and trends, among other items, and a Map Series. The Transportation Element of the adopted 2024 Town of Palm Beach Comprehensive Plan provides policy direction specific of the “Principle of Equivalency”. POLICY 5.5 states that the Town shall amend the Zoning Code to update the parking regulations used in the “Principal of Equivalency” when calculating the number of required parking spaces for redevelopment projects.

At the February 11, 2026 Town Council meeting, the Planning, Zoning and Building staff were directed to draft “Quick Fix Tranche 4” of the ongoing study of the Town’s Zoning Code that amends Section 134-2175. Quick Fix Tranche 4 relates to, among other items, the Principle of Equivalency for evaluating off-street parking requirements for landmarked commercial buildings.

DISCUSSION:

Over the last few years, the implementation of the Principle of Equivalency has been heavily scrutinized. The majority of the Town’s commercial buildings are historic by age, therefore built prior to the Zoning Code and the associated off-street parking requirements. Redevelopment projects that have been approved most often have done so with the allowance of parking variances that permit less than the required number of parking spaces. The attention to the Principle of Equivalency has recently been exacerbated by the doubling or even tripling of vehicular trips entering and exiting the Island on a daily basis bringing forward the need for more parking. This relationship between traffic and parking led to the policy directive provided in POLICY 5.5 stated verbatim above and summarized as a directive for staff to study and update the methodology for calculating the required spaces associated with conforming, nonconforming and the net off-street parking requirement for redevelopment projects. It is worth noting that the entire Article IX, Off-Street Parking and Loading, is currently under review by Kimley-Horn & Associates and Town staff. The proposed comprehensive reform for Article IX is forthcoming.

The subject Ordinance No. 007-2026 is staff’s initial step in addressing the concerns with the Principle of Equivalency. This amendment pertains to landmarked commercially zoned buildings only. Currently, the Code exempts these designated buildings from a net increase in off-street parking should the size of the building increase or the proposed change of use result in a higher required parking demand. According to past Town Council minutes, this provision was initially developed and codified to provide an incentive to landmarking commercial buildings but has come with unintended consequences.

The current definition of Principle of Equivalency, provided in Code Section 134-2175(d)(1), is as follows:

Definition of principle of equivalency as applied to the schedule of off-street parking requirements. The principal of equivalency, as it relates to the schedule of off-street parking requirements, shall be defined as an automobile parking space required by section 134-2176 for establishing an inventory of automobile parking spaces for a conforming or nonconforming use of an existing building, or structure or use, for the purpose of determining the net off-street parking requirement for the establishment of a proposed new use to be permitted in the building, or structure or use.

In evaluating off-street parking for existing uses, the principle of equivalency is applied when the use or occupancy of an existing building is being changed to a new use or occupancy having a differing off-street parking requirement for the purpose of establishing compliance with the off-street parking requirements. Pursuant to Code Section 125-2175(d)(3), the following floor area equivalencies may be used as a minimum guide in the application of the schedule of off-street parking requirements:

- a. One permanent seat equals six square feet of floor area in seating areas of occupancies requiring seating.
- b. One moveable seat equals 15 square feet of floor area in seating areas of occupancies requiring seating.
- c. The remainder of areas external to actual seating areas shall provide required parking according to the schedule of applicable parking requirements.
- d. One school student equals 20 square feet of floor area.

Ordinance No. 007-2026 proposes to remove the exemption from the provision of additional required off-street parking for landmarked commercial buildings. This removal, shown below as stricken, results in landmarked commercial buildings being required to provide the required off-street parking for the additional gross leasable (floor) area that results from an increase in occupancy or use.

~~(e) For the purpose of this section, a landmarked commercially zoned building is exempt from providing additional required off-street parking if increased occupancy or use is created by interior building improvements which create more gross leasable area. However, all other provisions of subsections (a) through (d) apply.~~

~~(f)~~ (e) In the 200 Block of Peruvian Avenue and Bradley Place in the C-TS zoning district, existing buildings or establishments therein which are nonconforming with respect to the current parking requirements, and which involve only those uses requiring one space per 200 or 250 square feet of gross leasable area, whichever is applicable, shall not be required to provide additional parking spaces as a result of a change from a use which alters the parking ratio from one space per 250 square feet to a use which requires one space for every 200 square feet of gross leasable area.

JH

ORDINANCE NO. 007-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING AT ARTICLE IX, OFF-STREET PARKING AND LOADING, DIVISION 2. OFF-STREET PARKING, BY AMENDING SECTION 134-2175 TO REMOVE THE EXEMPTION OF LANDMARKED COMMERCIAL ZONED BUILDINGS FROM PROVIDING ADDITIONAL REQUIRED OFF-STREET PARKING IF INCREASED OCCUPANCY OR USE IS CREATED BY INTERIOR BUILDING IMPROVEMENTS WHICH CREATE MORE GROSS LEASABLE AREA BY DELETING IN ITS ENTIRETY 134-2175(E); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Fla. Stat., is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, pursuant to §163.3191, Florida Statutes, on February 12, 2025, the Town Council of the Town of Palm Beach adopted the 2024 Comprehensive Plan that contains an Introduction, 12 Elements consisting of Goals, Objectives and Policies that are based upon data and analysis of historical and current statistics and trends, among other items, and a Map Series; and

WHEREAS, the Transportation Element of the adopted 2024 Town of Palm Beach Comprehensive Plan provides policy direction specific of the “Principle of Equivalency”, under POLICY 5.5, which states that the Town shall amend the Zoning Code to update the parking regulations used in the “Principal of Equivalency” when calculating the number of required parking spaces for redevelopment projects; and

WHEREAS, the Town Council on February 11, 2026, directed Planning, Zoning and Building staff to draft “Quick Fix Tranche 4” of the ongoing study of the Town’s Zoning Code that amends Section 134-2175, related to the Principle of Equivalency for evaluating off-street parking requirements for existing [land] uses, among other “Quick Fixes”; and

WHEREAS, the Planning, Zoning and Building Department staff proposed Code language that removes subsection 134-2175(e), the exemption of landmarked commercially zoned buildings from providing additional required off-street parking when increased occupancy or a change in use creates additional parking demand; and

WHEREAS, the Town's Planning and Zoning Commission considered the proposed amendment to Section 134-2175(e), to remove it in its entirety, at its public meeting on March 2, 2026 and recommended adoption to the Town Council.

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 IX, OFF-STREET PARKING AND LOADING, Division 2.-OFF-STREET PARKING, Section 134-2175, is hereby amended as follows:

Sec. 134-2175. Number of parking spaces required—Generally.

(a) Under this division, the following shall be provided:

- (1) At the time of the erection of any building or structure, minimum off-street parking facilities shall be required with adequate provisions for ingress and egress, in accordance with sections 134-2172 through 134-2174 and the schedule of off-street parking requirements, as prescribed in section 134-2176.
- (2) At the time any building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area or seats, minimum off-street parking facilities with adequate provisions for ingress and egress shall be required, in accordance with section 134-2 and sections 134-2172 through 134-2174 and the schedule of off-street parking requirements, as prescribed in section 134-2176.
- (3) Except as provided in subsection (f), at the time any use or occupancy of an existing building is changed to a new use or occupancy having differing off-street parking requirements, the parking requirement for the new use or occupancy shall be computed on the basis of the schedule of off-street parking requirements in the section 134-2176. This requirement shall be compared to the requirements of the existing use or occupancy, and, if the total number of spaces required under the new use or occupancy exceeds that of the existing use or occupancy, the difference shall constitute that number of additional off-street parking spaces to be provided, with adequate provisions for ingress and egress, in accordance with sections 134-2172 and the schedule of off-street parking requirements as prescribed in section 134-2176.

(b) Except as provided in subsection (f), a use, building or structure, lawfully in existence at the effective date of this division, which shall be made nonconforming on the effective date of the ordinance from which this division derives or any applicable amendment thereto, may be continued even though off-street parking may not be

provided in full compliance with this division, but the degree of nonconformity due to a deficiency in providing the required off-street parking spaces may not be increased, either by reducing the number of parking spaces which are provided on the effective date of the ordinance from which this chapter is derived or by changing the use or occupancy of an existing building to a use or occupancy which increases the requirement for off-street parking. For existing buildings or establishments therein which are nonconforming with respect to the current parking requirements, and which involve only those uses requiring one space per 200 or 250 square of gross leasable area, whichever is applicable, and which may be required under this chapter to provide additional parking spaces as a result of a change in use, such establishments shall be required only to provide that number of spaces over and above the number of spaces that would have been required at one space per 200 or 250 square feet of floor area gross leasable area, whichever is applicable.

- (c) Continued availability of required number of off-street parking spaces. After providing for the proper number of required off-street parking spaces so as to permit a principal use of property to be established as set forth in the schedule of off-street parking contained in section 134-2176, such required off-street parking shall continue to be available in undiminished number for sole use as an integral part of the continuance of the principal use(s) unless meeting the shared parking as provided for in sections 134-2177, 134-2178 and 134-2182. If for any reason such required off-street parking is not available at all times in connection with the principal use, such principal use shall be discontinued until such time as the proper number of required off-street parking spaces shall again be made available for use in connection with the principal use.
- (d) The principle of equivalency for evaluating off-street parking in existing uses is as follows:
 - (1) Definition of principle of equivalency as applied to the schedule of off-street parking requirements. The principal of equivalency, as it relates to the schedule of off-street parking requirements, shall be defined as an automobile parking space required by section 134-2176 for establishing an inventory of automobile parking spaces for a conforming or nonconforming use of an existing building, or structure or use, for the purpose of determining the net off-street parking requirement for the establishment of a proposed new use to be permitted in the building, or structure or use.
 - (2) In evaluating off-street parking for existing uses, the principle of equivalency shall be applied when the use or occupancy of an existing building is being changed to a new use or occupancy having a differing off-street parking requirement for the purpose of establishing compliance with this chapter.
 - (3) The following floor area equivalencies may be used as a minimum guide in the application of the schedule of off-street parking requirements:
 - a. One permanent seat equals six square feet of floor area in seating areas of occupancies requiring seating.

- b. One moveable seat equals 15 square feet of floor area in seating areas of occupancies requiring seating.
- c. The remainder of areas external to actual seating areas shall provide required parking according to the schedule of applicable parking requirements.
- d. One school student equals 20 square feet of floor area.
- ~~(e) For the purpose of this section, a landmarked commercially zoned building is exempt from providing additional required off-street parking if increased occupancy or use is created by interior building improvements which create more gross leasable area. However, all other provisions of subsections (a) through (d) apply.~~
- ~~(f)~~ (e) In the 200 Block of Peruvian Avenue and Bradley Place in the C-TS zoning district, existing buildings or establishments therein which are nonconforming with respect to the current parking requirements, and which involve only those uses requiring one space per 200 or 250 square feet of gross leasable area, whichever is applicable, shall not be required to provide additional parking spaces as a result of a change from a use which alters the parking ratio from one space per 250 square feet to a use which requires one space for every 200 square feet of gross leasable area.

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this day of , 2026; and for the Second and Final Reading on this day of , 2026.

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, CMC, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning & Building Staff

Re: QUICK FIX #20: Signage on Awning Valance

Date: 2/23/2026

ATTACHMENTS

Staff Report

Draft Ordinance No. 006-2026

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

The Town's zoning code (Chapter 134) currently prohibits signage on awnings. At the January 14, 2026, Town Council Development Review meeting, staff was directed to amend the zoning code to create provisions for signage on the valance of awnings.

DISCUSSION:

The proposed amendments are summarized below:

- Allow lettering on the valance of an awning subject to new provisions.
- New provisions that limit the location, area, and size of the lettering for an individual business.
- Require ARCOM or LPC review (as applicable).

Ordinance No. XXX-2026 is ready for approval on First Reading.

WRB/JGM/AF/FHM

ORDINANCE NO. 006-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE XI, SIGNS, DIVISION 1, GENERALLY, AT SECTION 134-2373, GENERAL REGULATIONS AND DEFINITIONS APPLICABLE TO PERMITTED SIGNS, RELATED TO THE PROHIBITION OF SIGNAGE ON AWNINGS TO ALLOW SIGNAGE ON THE VALANCE OF AWNINGS SUBJECT TO CERTAIN CONDITIONS; DIVISION 3, COMMERCIAL DISTRICTS, ADDING SECTION 134-2451, SIGNS ON THE VALANCE OF AN AWNING, CREATING STANDARDS FOR SIGNAGE ON AWNINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, at the January 14, 2026, Town Council Development Review meeting, staff was directed to amend the zoning code to create provisions for signage on the valance of awnings.

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 XI, Signs, Division 1, Generally, Section 134-2373, is hereby amended as follows:

Sec. 134-2373. General regulations and definitions applicable to permitted signs.

Under this article, the following shall apply to all signs:

- (10) No sign, including numerals, lettering, illustrations, logos or characters, shall be painted or installed on any awning visible from public or private streets with the exception of lettering on the valance as provided in Sec. 134-2451.

Section 3. Chapter 134, Zoning, Article XI, Signs, Division 3, Commercial Districts, adding Section 134-2451, as follows:

Sec. 134-2451. Signs on the valance of an awning.

For purposes of this section, a valance means the vertical portion of the awning that extends down from the front edge of the awning and hangs down past the structural brace. Signage on the valance of an awning shall be permitted subject to the following restrictions:

- (1) Signage shall be permitted only on the front of a valance. Signs on any other surface area of an awning are prohibited.
- (2) Such signage shall be limited to one line of text identifying the name of the individual business.
- (3) The sign area on a valance shall count towards the allowable total sign area for an individual business identification sign in a building, as calculated under section 134-2438.
- (4) The length of the sign on a valance shall not exceed 25 percent of the length of a single awning, and letters shall not exceed seven (7) inches in height.
- (5) A maximum of one (1) valance sign per business street frontage is permitted.
- (6) All signs shall be subject to review by the architectural commission or landmarks commission (as applicable).

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

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

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2026; and for the Second and Final Reading on this ____ day of ____, 2026.

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, CMC, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning & Building Staff

Re: QUICK FIX #22: Guest Houses - Forthcoming

Date: 2/23/2026

This quick fix will be forthcoming at a future meeting.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning & Building Staff

Re: QUICK FIX #23: Tandem Parking

Date: 2/23/2026

ATTACHMENTS

Staff Report

Draft Ordinance No. 008-2026

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on January 14, 2026, Town Council Development Review meeting, staff was directed to amend the zoning code to create provisions for active consideration. These items are affectionately referred to as "Quick Fixes Tranche 04." The presentation was well received with a consensus of the Council to have the "items" to be drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number 23.

DISCUSSION:

For discussion, the amendment introduces the idea of tandem spaces being able to count toward a certain percentage of required off-street parking minimums only when continuous on-site valet service is provided and a recorded restriction ensures ongoing compliance. The ordinance creates a new section that permits tandem parking by Special Exception, subject to Town Council approval and Site Plan review, and establishes operational, dimensional, safety, and accessibility standards to ensure proper circulation and emergency access.

The amendment allows tandem spaces to count toward required off-street parking minimums only when continuous on-site valet service is provided and a recorded restriction ensures ongoing compliance. Overall, the ordinance is intended to promote more efficient land use and parking capacity while maintaining public safety, accessibility standards, and orderly development.

At the March 2nd, Planning & Zoning Commission meeting, the Commission will review Quick Fix #23 for Council approval.

Ordinance No. 008-2026 is ready for approval on First Reading.

WRB:JGM

ORDINANCE NO. 008-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, BY AMENDING ARTICLE IX, -- OFF-STREET PARKING AND LOADING, DIVISION 2, -- OFF-STREET PARKING, BY CREATING A NEW SECTION TO PROVIDE REGULATIONS FOR TANDEM (STACKED) PARKING IN A VALET OPERATED AND MAINTAINED PARKING LOT OR PARKING GARAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, at the January 14, 2026, Town Council Development Review meeting, staff was directed to amend the zoning code to create provisions to promote efficient use of land and parking resources within its zoning districts to support economic vitality and orderly development;

Whereas, tandem (stacked) parking arrangements, when properly managed, can increase parking capacity without requiring additional impervious surface or structural expansion;

Whereas, valet-operated and maintained parking systems ensure that tandem parking spaces are accessed and managed exclusively by trained personnel, thereby mitigating potential operational and safety concerns;

Whereas, the adoption of tandem parking provisions aligns with the Town's goals to encourage innovative parking solutions that reduce congestion and improve accessibility for residents, businesses, and visitors;

Whereas, the Town has determined that allowing tandem parking in valet-operated and maintained garages and lots will not adversely affect traffic circulation, pedestrian safety, or emergency access when implemented in accordance with established standards;

Whereas, the Planning, Zoning, and Building Department has reviewed best practices and recommends incorporating tandem parking provisions into the zoning ordinance to provide flexibility for property owners while maintaining compliance with overall parking requirements;

Whereas, public input and professional analysis support the conclusion that tandem parking, under valet control, is a practical and beneficial option for certain commercial and mixed-use developments;

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 IX, OFF-STREET PARKING AND LOADING, DIVISION 2, SEC. 134-134-2172 Size of spaces and access is hereby amended as follows:

Sec. 134-2172. - Size of spaces and access.

An off-street automobile parking space shall consist of a parking space having minimum dimensions of nine feet in width and 18 feet in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width of an access drive shall be ten feet for one-way traffic. Minimum width of an aisle designed and intended for the maneuvering into a 90 degree parking space shall be 25 feet; 20 feet into a 60 degree parking space; and 15 feet into a 45 degree parking space. Minimum width of an aisle designed and intended for the maneuvering of an automobile into a parking space shall be in conformance with the illustration set forth in section 134-2171. ~~The parking plan must be so arranged that each automobile may be placed and removed from the parking space~~

assigned thereto and taken to and from the property without the necessity of moving any other automobile to complete the maneuver. The parking plan shall be designed to ensure that each automobile can be placed in and removed from its assigned parking space and maneuvered to and from the property without requiring the movement of another vehicle, except as permitted for tandem (stacked) parking in compliance with Sec. 134-2183.

Sec. 134 -2183. Tandem (Stacked) Parking – Valet Operations

A. Purpose.

The purpose of this section is to allow tandem (stacked) parking configurations in limited circumstances where continuous valet services are provided in a valet operated and maintained parking lot or parking garage, in order to increase operational efficiency while ensuring safe circulation, fire access, and functional site design.

B. Special Exception Required.

Tandem (stacked) parking shall be permitted only upon approval by the Town Council as a Special Exception with Site Plan review in accordance with Sec. 134-328 and Sec.134-329 of this Code.

C. Applicability.

Tandem parking shall be allowed only within a parking garage or surface parking lot that is operated exclusively by a full-time valet service and only in compliance with the conditions set forth herein.

D. Definition.

For purposes of this section, *tandem (stacked) parking* shall mean two (2) or more parking spaces arranged end-to-end such that one vehicle must be moved to allow another vehicle to exit.

E. Conditions of Approval.

Tandem parking may be counted toward required off-street parking minimums provided all of the following criteria are met:

1. Valet Operation Required.

The parking facility shall be operated by a continuous, on-site valet service during all hours the principal use is open to the public.

2. Operational Plan.

A valet management plan shall be submitted and reviewed and approved, including staffing levels, vehicle stacking procedures, peak-hour operations, queuing analysis, internal circulation diagrams, and emergency access provisions.

3. Dimensional Compliance. Each individual space within a tandem configuration meets the minimum dimensional standards for parking spaces established by this Code.

4. Accessible Parking.

Accessible parking spaces required by the Americans with Disabilities Act (ADA) and applicable state law shall not be configured in tandem.

5. Maximum Percentage.

No more than _____ percent (e.g., 50%) of the total required parking spaces for a development shall be provided in tandem configuration unless otherwise approved by the Town Council/Planning Board through a special exception.

6. Recorded Restriction.

A declaration or restrictive covenant, in a form approved by the Town Attorney, shall be submitted and recorded in the public records of the County, requiring the continued operation of valet service as a condition for utilizing tandem (stacked) parking spaces toward satisfaction of required off-street parking. Failure to maintain valet operations in accordance with the approved Special

Exception shall render such tandem spaces ineligible to count toward required parking minimums.

7. Loss of Valet Service.

If valet service ceases for more than thirty (30) consecutive days, tandem spaces shall no longer count toward required parking minimums, and the property owner shall remedy the deficiency within a timeframe established by the Town.

8. Public Safety and Circulation. The tandem arrangement will not adversely impact traffic circulation, emergency access, fire lanes, or public rights-of-way.

F. Safety and Circulation.

The Director of Planning, Zoning and Building or designee may require additional maneuvering space, internal circulation modifications, or traffic management measures to ensure safe ingress and egress.

G. Continued Compliance.

If valet service ceases for more than sixty (60) consecutive days, the tandem spaces shall no longer count toward required parking minimums unless and until valet operations resume or the Town Council approves an alternative arrangement.

Secs. ~~134-21834~~—134-2210. - Reserved.

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this, or any part of this Ordinance are hereby repealed.

Section 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2026; and for the Second and Final Reading on this ____ day of ____, 2026.

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, CMC, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: March 2, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning & Building Staff

Re: QUICK FIX #24: Bulkhead, Seawalls, Groins

Date: 2/24/2026

ATTACHMENTS

Staff Report

Draft Ordinance No. 010-2026

FDEP Code Section

Email - 18 inch Rule

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the Town Council meeting on January 14, 2026, Town Council Development Review meeting, staff was directed to amend the zoning code to create provisions for active consideration. These items are affectionately referred to as "Quick Fixes Tranche 04." The presentation was well received with a consensus of the Council to have the "items" to be drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number 24.

Seawalls are most effective when they are contiguous, sharing a common trajectory and forming a fortified coastal edge separating land from sea. However, existing conditions of the ocean-front seawalls and bulkheads in the Town have manifested as a collection of often mismatched and unaligned structures that do not form a uniform line. Several variances have been processed by the Town Council related to the replacement and reconstruction of oceanfront seawalls and bulkheads to allow property owners to align reconstructed seawalls with adjacent properties. Although this type of seawall alignment is considered a resiliency best practice, the existing code language prohibits construction seaward (east) of the Town of Palm Beach Official Bulkhead Line and prohibits reconstruction and reconstruction of seawalls and bulkheads more than 12" seaward (east) of an existing seawall structure. Staff is proposing amendments to the code to address these limitations.

DISCUSSION:

Seawalls and bulkheads play a principal role in protecting upland properties from coastal erosion, storm surge, and tidal forces. Over time, these structures deteriorate and must be repaired or replaced to maintain their protective function. When replacement occurs in isolation—without regard to adjacent seawalls—the result can be a fragmented and irregular shoreline edge. The Town's existing regulatory framework was designed to prevent incremental encroachment seaward of the Official Bulkhead Line. While that objective remains important, the current 12-inch limitation has, in practice, required property owners to seek variances in order to achieve reasonable alignment with neighboring seawalls. Quick Fix No. 24 modifies the Code to allow reconstructed seawalls to extend up to 18-inches seaward of an existing bulkhead without requiring a variance, while still requiring Council approval for greater deviations. This adjustment provides a measured degree of flexibility to facilitate practical alignment and coordinated shoreline protection, while maintaining oversight and preventing unchecked seaward expansion and is in alignment with Florida Department of Environmental Protection Regulations. This change will not alleviate all of the variances sought for new seawalls, however, and a more broad update to our waterfront regulatory boundaries should be studied to update our zoning code for modern resiliency practices.

At the March 2nd, Planning & Zoning Commission meeting, the Commission will review Quick Fix #24 for Council approval.

Ordinance No. 010-2026 is ready for approval on First Reading.

WRB:JGM:BMF

ORDINANCE NO. 010-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 62, - MARINE STRUCTURES, ARTICLE II, - BULKHEADS, SEAWALLS AND GROINS ON ATLANTIC OCEAN AT SECTION 62-37, - BULKHEADS GROINS TO ACCORD WITH PLAT; VARIANCES., AND AMENDING CHAPTER 134, ZONING, BY AMENDING ARTICLE VIII, - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 6, - STRUCTURES, SUBDIVISION I, - IN GENERAL AT SECTION 134-1701, - STRUCTURES EAST OF OCEAN BULKHEAD LINE TO UPDATE THE PERMITTED LOCATION OF NEW AND RECONSTRUCTED OCEAN SEAWALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 24, that the Town update the Zoning Code to modify language relating to ocean bulkheads and seawalls; and

WHEREAS, Town Council on February 11, 2026, directed PZB staff to address the permitted setbacks of ocean bulkheads and seawalls (Quick Fix No. 24) as an immediate priority; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 4 at its meeting of March 4, 2026, and of Quick Fix No. 24.

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 62 – Marine Structures, Article II. – Bulkheads, Seawalls and Groins on Atlantic Ocean, Sec. 62-37 – Bulkheads, groins to accord with plat; variances, is hereby amended as follows:

Sec. 62-37. Bulkheads, groins to accord with plat; variances.

All bulkheads shall be erected along the Official Ocean Bulkhead and Groin Plat of the Town of Palm Beach, Florida, except where the proposed bulkhead is to be located landward of the bulkhead line or except where the proposed bulkhead is no further than ~~12-inches~~ 18-inches seaward of the existing bulkhead. In cases where the proposed bulkhead is further than ~~12-inches~~ 18-inches seaward of the existing bulkhead, a variance shall be required pursuant to section 134-201. In such case, application shall be made to the town council setting forth the reason and justification, based on the variance criteria identified in section 134-201, why a variance should be granted; and, in such case, the determination of the town council shall be final.

Section 3. Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 6 - Structures, Subdivision I. - In General, Sec. 134-1701, Structures East Of Ocean Bulkhead Line:

Sec. 134-1701. - Structures east of ocean bulkhead line.

No structure shall be erected ~~in town~~ east of the ~~town's~~ Town's official bulkhead line, ~~along the ocean front~~ except:

- (a) Erosion control devices, such as jetties or groins.

(b) Replacement seawalls or bulkheads.

(c) Pedestrian beach access structures.

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

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

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this 4th day of March, 2026; and for the Second and Final Reading on this 15th day of April, 2026.

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, CMC, Town Clerk

Edward Cooney, Town Council Member

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., as applicable.

(1) Activities conducted in conformance with the District-specific exemptions in section 1.3 of Volume II applicable to the location of the activity.

(2) Activities conducted in conformance with the exemptions in Section 373.406, or 403.813(1), F.S.

(3) Aquatic Plant and Organic Detrital Control and Removal –

(a) Disking and tilling of exposed lake bottoms in accordance with a permit issued by the Florida Fish and Wildlife Conservation Commission or an exemption under Chapter 369, F.S.

(b) Organic detrital material removal in accordance with Section 403.813(1)(r) or (u), F.S.

(c) Aquatic plant control where the activity qualifies for an exemption authorized under Section 369.20, F.S., or in a permit from the Florida Fish and Wildlife Conservation Commission under Section 369.20 or 369.22, F.S.; and the harvested plant material is not disposed of in wetlands or other surface waters, or in a manner that adversely affects water quality or flood control.

(d) The mechanical harvesting or shredding of aquatic plants and incidentally associated sediments, including subsequent side casting of the harvested or shredded material, provided:

1. The activity is authorized and conducted by the Florida Fish and Wildlife Conservation Commission, under Section 369.20 or 369.22, F.S.;

2. The work involves no dredging and is the minimum amount necessary for maintaining existing navigation corridors and preventing flooding, and in no case shall exceed five total acres of harvesting, shredding, and sidecasting;

3. The work is performed in a manner that does not adversely affect water quality or flood control; and

4. Notice of intent to use this exemption is provided to the Agency five days before performing any work.

(4) Bridges, Driveways, and Roadways –

(a) The replacement and repair of existing open-trestle foot bridges and vehicular bridges in accordance with Section 403.813(1)(l), F.S.

(b) Construction, alteration, or maintenance, and operation, of culverted driveway or roadway crossings and bridges of wholly artificial, non-navigable drainage conveyances, provided:

1. The construction project area does not exceed one acre and is for a discrete project that is not part of a larger plan of development that requires permitting under this chapter. However, these limitations shall not preclude use of this exemption to provide access to activities that qualify for the general permit in Section 403.814(12), F.S.;

2. The culvert or bridge shall be sized and installed to pass normal high water stages without causing adverse impacts to upstream or downstream property;

3. Culverts shall not be larger than one, 24-inch diameter pipe, or its hydraulic equivalent, and must not reduce the upstream hydraulic discharge capacity;

4. The crossing shall not:

a. Be longer than 30 feet from top-of-bank to top-of-bank;

b. Have a top width of more than 20 feet or a toe-to-toe width of more than 40 feet; and,

c. Have side slopes steeper than three feet horizontal to one foot vertical;

5. There are no more than two crossings on any total land area, with a minimum distance of 500 feet between crossings;

6. If dewatering is performed, all temporary work and discharges must not cause flooding or impoundment, downstream siltation, erosion, or turbid discharges that violate state water quality standards;

7. Any temporary work shall be completely removed and all upstream and downstream areas that were disturbed shall be restored to pre-work grades, elevations and conditions; and,

8. All work shall comply with subsection 62-330.050(9), F.A.C.

(c) Minor roadway safety construction, alteration, maintenance, and operation, provided:

1. There is no work in, on, or over wetlands other than those in drainage ditches constructed in uplands;

2. There is no reduction in the capacity of existing swales, ditches, or other systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S.;

3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.; and

4. The work is limited to:

- a. Sidewalks having a width of six feet or less;
- b. Turn lanes less than 0.25 mile in length, and other safety-related intersection improvements; and
- c. Road widening and shoulder paving that does not create additional traffic lanes and is necessary to meet current, generally accepted roadway design and safety standards.

(d) Resurfacing and repair of existing paved roads, and grading of existing unpaved roads, provided:

- 1. Travel lanes are not paved that are not already paved;
- 2. No substantive changes occur to existing road surface elevations, grades, or profiles; and
- 3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(e) Repair, stabilization, paving, or repaving of existing roads, and the repair or replacement of vehicular bridges that are part of the road, where:

- 1. They were in existence on or before January 1, 2002, and have:

a. Been publicly-used and under county or municipal ownership and maintenance thereafter, including when they have been presumed to be dedicated in accordance with Section 95.361, F.S.;

b. Subsequently become county or municipally-owned and maintained; or

c. Subsequently become perpetually maintained by the county or municipality through such means as being accepted by the county or municipality as part of a Municipal Service Taxing Unit or Municipal Service Benefit Unit; and

2. The work does not realign the road or expand the number of traffic lanes of the existing road, but may include safety shoulders, clearing vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed using generally accepted roadway design standards;

3. Existing bridges are not widened more than is reasonably necessary to properly connect the bridge with the road to match the width of the roadway travel lanes and safely accommodate the traffic expected;

4. No debris from the original bridge shall be allowed to remain in wetlands or other surface waters;

5. Roadside swales or other effective means of stormwater treatment are incorporated as part of the work;

6. No more dredging or filling of wetlands or water of the state is performed than is reasonably necessary to perform the work in accordance with generally accepted roadway design standards;

7. Notice of intent to use this exemption is provided to the Agency 30 days before performing any work; and

8. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(f) The repair of existing concrete bridge pilings by the Florida Department of Transportation, counties, and municipalities, through the construction of pile jackets, provided the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards of dredging or 300 cubic yards of filling per project. The following conditions shall also apply:

1. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, erosion and sediment control best management practices, including turbidity curtains or similar devices, shall be used in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* to prevent violations of state water quality standards.

2. Immediately following completion of any work that involves disturbance of the shoreline or banks of wetlands or other surface waters, the shoreline and banks shall be stabilized with native vegetation or riprap to prevent erosion; in areas where native wetland vegetation was disturbed, the stabilization shall consist of the same species planted in a manner to achieve stability and coverage of a similar wetland community as previously existed. Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity. Prevention of erosion of exposed earth into wetlands and other surface waters is a construction priority and completed slopes shall not remain unstabilized while other construction continues.

3. Pilings shall not be installed or replaced to add additional traffic lanes.

4. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(a) Installation or repair of pilings and dolphins associated with private docking facilities or piers that are exempt under Section 403.813(1)(b), F.S.;

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with Section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;

2. No structure is enclosed on more than three sides with walls and doors;

3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and

4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

(c) Construction of private docks or piers of 1,000 square feet or less of over-water surface area in artificial waters in accordance with Section 403.813(1)(i), F.S., and within residential canal systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S. This includes associated structures such as roofs and boat lifts, provided the cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed 1,000 square feet.

(d) Replacement or repair of existing docks and piers, including mooring piles, in accordance with Section 403.813(1)(d), F.S., provided the existing structure is still functional or has been rendered non-functional within the last year by a discrete event, such as a storm, flood, accident, or fire.

(e) The construction and maintenance to design specifications of boat ramps in accordance with Section 403.813(1)(c), F.S., where navigational access to the proposed ramp currently exists:

1. In artificial waters and residential canal systems; or

2. In any wetland or other surface waters when the ramps are open to the public; and

3. The installation of docks associated with and adjoining boat ramps constructed as part of the above ramps is limited to an area of 500 square feet or less over wetlands and other surface waters.

(f) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts in accordance with section 403.813(1)(s), F.S.

(g) The removal of derelict vessels, as defined in Section 823.11(1), F.S., by federal, state, and local agencies, provided:

1. The derelict vessel case has been completed as specified in Section 705.103, F.S., and has been entered into the Statewide Derelict Vessel Database maintained by the Florida Fish and Wildlife Conservation Commission;

2. All work is done in a manner that, to the greatest extent practicable, avoids additional dredging or filling, grounding or dragging of vessels, and damage to submerged resources such as seagrass beds, oyster beds, coral communities, mangroves, other wetlands, and live bottom; and

3. An absorbent blanket or boom shall be immediately deployed on the surface of the water around the derelict vessel if fuel, oil, or other free-floating pollutants are observed during the work.

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;

2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

(6) Construction, alteration, maintenance, operation, and removal of freshwater fish attractors by the Florida Fish and Wildlife Conservation Commission, U.S. Forest Service, and county and municipal governments, provided:

(a) The material is limited to clean concrete, rock, brush, logs, or trees;

(b) The material is firmly anchored to the bottom of the waterbody;

(c) The size of an individual fish attractor shall be limited to one quarter of an acre in area;

(d) The top of the fish attractor shall be at least three feet below the water surface at expected average low water depth, as determined based on best available information for the waterbody at the specific location of the attractor;

(e) The attractor shall be outside any posted navigational channels and shall not cause a navigational hazard;

(f) No material is placed on or in areas vegetated by native aquatic vegetation; and

(g) The provisions of paragraph 62-330.050(9)(c), F.A.C., also shall apply to protect listed species during the work.

(7) Maintenance and Restoration –

(a) Maintenance dredging under Section 403.813(1)(f), F.S.

(b) Maintenance of insect control structures, dikes, and irrigation and drainage ditches under Section 403.813(1)(g), F.S.

(c) The restoration of existing insect control impoundment dikes, and the connection of such impoundments to tidally

influenced waters under Section 403.813(1)(p), F.S., provided:

1. The restored section of dike is limited to 100 feet in length;
2. The connection shall provide sufficient cross-sectional area to allow beneficial tidal influence;
3. Dredging and filling are limited to that needed to restore the dike to original design specifications; and
4. The final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations.

(d) Alteration and maintenance of treatment or disposal systems under Rule 62-340.700, F.A.C.

(e) Construction and maintenance of swales in accordance with Section 403.813(1)(j), F.S.

(f) Placement of wooden, composite, metal, or other non-earthen construction mats to provide temporary access to maintain or repair projects within wetlands, provided:

1. There is no cutting or clearing of wetland trees having a diameter four inches (circumference of 12 inches) or greater at breast height;
2. The maximum width of the construction access area shall be 15 feet;
3. Mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed at, each location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
4. Areas disturbed for access shall be restored to natural grades immediately after the work is complete.

(g) Port dredging under Section 403.813(3), F.S.

(h) The following activities undertaken by the National Oceanic and Atmospheric Administration's (NOAA) Florida Keys National Marine Sanctuary:

1. Seagrass restoration following the procedures of the Final Programmatic Environmental Impact Statement for Seagrass Restoration in the Florida Keys National Marine Sanctuary (NOAA 2004), which is incorporated by reference herein (June 1, 2018) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09440>) and available as provided in subsection 62-330.010(5), F.A.C.; and

2. Coral restoration following the procedures of the Final Programmatic Environmental Impact Statement for Coral Restoration in the Florida Keys and Flower Garden Banks National Marine Sanctuaries (NOAA 2010), which is incorporated by reference herein (June 1, 2018) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09441>) and available as provided in subsection 62-330.010(5), F.A.C.

(8) The installation of aids to navigation, including bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, in accordance with Section 403.813(1)(k), F.S.

(9) Pipes or Culverts –

(a) Repair or replacement, provided:

1. The pipes or culverts have equivalent hydraulic capacity to those being repaired or replaced;
2. The invert elevation shall not be changed; and
3. The pipes or culverts function to discharge or convey stormwater, and are not associated with the repair, replacement, or alteration of a dam, spillway, or appurtenant works.

(b) Construction, alteration, operation, maintenance, and removal of outfall pipes, together with associated headwalls, and energy dissipation baffles, rocks, and other scour-reduction devices at the outfall locations, provided:

1. The pipes extend less than 20 feet in, on, or over wetlands or other surface waters;
2. The outfall is part of an activity that is exempt under Part IV of Chapter 373, F.S., or qualifies for the general permit in Section 403.814(12), F.S.;
3. The outfall is designed to prevent erosion and scour;
4. Work in natural waterbodies, wetlands, and Outstanding Florida Waters is limited to 0.03 acre;
5. No activities occur in seagrasses;
6. Within waters accessible to manatees, submerged or partially submerged outfall pipes having a diameter larger than eight inches shall have grating such that no opening is larger than eight inches; and
7. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) The extension of existing culverts and crossing approaches, and the installation of scour protection structures at such locations, when done to accommodate an activity that does not require a permit under this chapter, provided:

1. Work in wetlands or other surface waters is limited to a total of 100 cubic yards of dredging and filling, and no more than 0.10 acre at any culvert extension or crossing approach location; and

2. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(10) The construction, alteration, maintenance, removal or abandonment of recreational paths for pedestrians, bicycles, and golf carts, provided:

(a) There is no work in, on, or over wetlands or other surface waters other than those in drainage ditches constructed in uplands;

(b) There is no reduction in the capacity of existing swales, ditches, or other stormwater management systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S.;

(c) The paths have a width of eight feet or less for pedestrian paths, and 14 feet or less for multi-use recreational paths;

(d) The paths are not intended for use by motorized vehicles powered by internal combustion engines or electric-powered roadway vehicles, except when needed for maintenance or emergency purposes; and

(e) The paths comply with the limitations and restrictions in subsection 62-330.050(9), F.A.C.

(11) Sampling and Testing –

(a) Collection of seagrass, macroalgae, and macrobenthos in accordance with the terms and conditions of a permit or license issued by the Florida Fish and Wildlife Conservation Commission.

(b) Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices, provided:

1. The device's purpose is solely to collect scientific or technical data, such as staff gages, tide and current gages, meteorological stations, water recording, biological observation and sampling, and water quality testing and improvement. Parshall flumes and other small weirs installed primarily to record water quantity and velocity are authorized, provided the amount of fill is limited to 25 cubic yards;

2. The device and any associated structures or fill, such as foundations, anchors, buoys, and lines, is removed to the maximum extent practicable at the end of the data collection or sampling;

3. The site is restored to pre-construction conditions within 48 hours of completion of use of the device; and

4. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) An exemption for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities as provided in Section 403.813(1)(v), F.S.

(d) Geotechnical investigations, including soil test borings, standard penetration tests, and other work involving boring, auguring, or drilling for the purposes of collecting geotechnical data, together with clearing for temporary access corridors to perform these investigations, subject to the following:

1. Excavation at each soil boring, auguring, or coring location is limited to no more than one foot in diameter. The total area of work authorized in wetlands and other surface waters is limited to 0.5 acre, including all excavations and clearing for temporary access corridors.

2. No drilling fluid or dredged material shall be left above grade in a wetland or other surface water.

3. Boreholes suspected to have penetrated a confining layer shall be grouted from the bottom up by means of a tremie pipe and the severed materials shall be removed from the wetland or other surface waters.

4. This exemption shall not apply to borings used to place seismographic charges for oil and gas exploration.

5. This exemption does not supersede the exemption in Section 403.813(1)(v), F.S., for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities.

6. Turbidity, sedimentation, and erosion shall be controlled during and after investigations to prevent violations of state water quality standards due to construction related activities.

7. Drilling activities associated with construction of wells must comply with Chapter 62-532, F.A.C.

8. Temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

a. Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

b. The maximum width of the construction access area shall be limited to 15 feet;

c. All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

d. Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(a) Construction, replacement, and repair of seawalls or riprap in artificially created waterways under Section 403.813(1)(i), F.S., and within residential canal systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S., including only that backfilling needed to level the land behind seawalls or riprap.

(b) The restoration of a seawall or riprap under Section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or riprap restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose. See section 3.2.4 of Volume I for factors used to determine qualification under this provision;

2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap; and

3. Applicable permits under Chapter 161, F.S., are obtained.

(c) The construction of seawalls or riprap in wetlands or other surface waters between and adjoining existing seawalls or riprap at both ends in accordance with Section 403.813(1)(o), F.S. For purposes of this exemption, riprap is subject to the same length and orientation limitations as a seawall.

(d) Installation of batter piles, king piles, or a seawall cap, used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

(e) Restoration of an eroding shoreline with native wetland vegetative enhancement plantings, provided:

1. The length of shoreline is 500 linear feet or less;

2. Plantings are native wetland plants appropriate for the site obtained from commercially-grown stock;

3. Plantings extend no farther than 10 feet waterward of the approximate mean high water line (MHWL) or ordinary high water line (OHWL);

4. All invasive and exotic vegetative species along the shoreline is removed in conjunction with the planting to the extent practicable;

5. Biodegradable natural fiber logs or mats that are secured in place, such as with the use of wooden stakes, may be used if necessary to support the vegetative plantings; and

6. No fill is placed other than that needed to support the vegetative plantings, except that a breakwater is authorized to be installed concurrent with the planting if permanent wave attenuation is required to maintain the shoreline vegetation, provided:

a. The waterward toe of the breakwater extends no more than 10 feet waterward of the approximate MHWL or OHWL, with a top height of no more than the mean or ordinary high water elevation;

b. The breakwater is composed predominantly of natural oyster shell cultch (clean and fossilized oyster shell) or other stable, non-degradable materials such as oyster reef, reef balls, boulders, clean concrete rubble, riprap, rock sills, or triangular concrete forms. Oyster shell cultch, if used, shall be enclosed in mesh bags having openings of no more than three inches, or securely fixed to matting prior to placement in the water. Oyster bags and mats must be anchored to prevent movement of shell from the project area;

c. The breakwater shall not be placed over, or within three feet (in any direction) of any submerged grassbed or existing emergent marsh vegetation;

d. The breakwater shall be placed in units so that there is at least one opening measuring at least five feet in width located every 75 linear feet along the breakwater, with a minimum of one opening, to allow the flow of water and the passage of fish and aquatic wildlife;

e. All equipment used during construction shall be operated from, and be stored in uplands; and

f. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(13) Single-Family Residences and Associated Residential Improvements –

(a) The construction, alteration, maintenance, removal, and abandonment of one individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements, that:

1. Do not involve any work in wetlands or other surface waters;
2. Are not part of a larger common plan of development or sale requiring a permit or modification of a permit under Part IV of Chapter 373, F.S.; and

3. Comply with the limitations and restrictions in subsection 62-330.050(9), F.A.C.

(b) The construction, alteration, maintenance, removal, and abandonment of one individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements if it will be located:

1. Within the boundaries of a valid permit issued under Part IV of Chapter 373, F.S., and it was accounted for under the permit;
or

2. Within the boundaries of a development that predates the applicable effective date for the permitting program established under Part IV of Chapter 373, F.S., provided the activity does not involve any work in wetlands or other surface waters.

(c) Construction, operation, or maintenance of a stormwater management facility designed to serve single-family residential projects in conformance with Section 403.813(1)(q), F.S.

(14) Utilities –

(a) Installation of overhead transmission lines in accordance with Section 403.813(1)(a), F.S.

(b) Installation of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(m), F.S.

(c) Replacement or repair of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(n), F.S.

(d) Activities necessary to preserve, restore, repair, remove, or replace an existing communication or utility pole or aerial transmission or distribution line, provided there is no dredging or filling in wetlands or other surface waters except to remove poles and replace them with new poles, and temporary mats needed to access the site in accordance with paragraph 62-330.051(7)(f), F.A.C. The activity must not increase the voltage of existing power lines or relocate existing poles or lines more than 10 feet in any direction from their original location.

(e) Installation, removal, and replacement of utility poles that support telecommunication lines or cables, or electric distribution lines of 35kV or less, together with the bases and anchoring devices to support those poles. “Anchoring device” shall mean steel guy wires fastened to the ground, without the need for dredging, and “base” shall mean a concrete or steel foundation not exceeding four feet in radius, used to support a utility pole. Work must comply with the following:

1. No more than 15 utility poles shall be installed, removed, or replaced in wetlands;
2. There shall be no permanent placement of fill other than utility poles and anchoring devices;
3. Work shall not occur in forested wetlands located within 550 feet from the mean or ordinary high water line of an Aquatic Preserve or a named waterbody designated as an Outstanding Florida Water or an Outstanding National Resource Water;
4. Vehicle usage in wetlands shall be conducted so as to minimize tire rutting and erosion impacts;
5. There shall be no dredging or filling to create fill pads or access roads, except to place temporary mats for access within the utility right-of-way in wetlands. All temporary mats shall be removed as soon as practicable, but in no case longer than seven days after equipment has completed passage through, or work has been completed, at any location along the alignment of the project;
6. Temporary disturbance to wetlands shall be limited to a length of 0.5 mile, a width of 30 feet, and a total area of 0.5 acre;
7. Maintenance of the utility right-of-way in wetlands shall be limited to a cleared corridor of up to 15 feet wide and a total area of 0.25 acre;
8. Except for the authorized permanent structures, pre-work ground elevations and contours shall be restored within 30 days of completion of the work;
9. Water jets shall not be used unless they are a pre-engineered part of the pole and the water for the jets is either recirculated on site or is discharged in a self-contained upland disposal site;
10. The installation of the utility poles and associated bases and anchoring devices shall not interfere with navigation or impede water flow in wetlands; and
11. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(f) Excavation or dredging of temporary trenches to install utilities such as communication cables, water lines, and electrical lines, provided:

1. Material is not deposited within wetlands or other surface waters other than that needed to backfill the trench to restore ground to pre-work grades;
2. Backfilling is performed to restore pre-work grades within 24 hours of disturbance; and
3. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(g) Construction, alteration, maintenance, removal, or abandonment of communication tower sites with 0.5 acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads shall not adversely affect the conveyance of surface water flows. No activities, including access to the site, shall be located in wetlands or other surface waters or within a 100-year floodplain.

(h) Construction, alteration, maintenance, removal, or abandonment of electrical distribution substation and electrical switching station sites with one acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads shall not adversely affect the conveyance of surface water flows. The site must be surrounded by swales, as defined in Section 403.803(14), F.S., or other type of equivalent treatment, and must not have a direct discharge to an Outstanding Florida Water. No activities, including access to the site, may be located in wetlands or other surface waters, or within a 100-year floodplain.

(i) Installation and repair of water intake lawn irrigation waterlines and closed-loop air conditioning cooling lines laid on the bottoms of waters of the state for an individual private single-family or multi-family residence, provided that the intake diameter is less than six inches, or its hydraulic equivalent.

(15) Modification or reconstruction of an existing conveyance system constructed prior to the need to obtain a permit under Part IV of Chapter 373, F.S., provided:

(a) The work is conducted by a city, county, state agency, or District;

(b) The system alteration is not intended to serve new development; and

(c) The system does not:

1. Discharge directly to Outstanding Florida Waters;

2. Increase pollution loading;

3. Change points of discharge in a manner that would adversely affect the designated uses of wetlands or other surface waters;

4. Result in new adverse water quantity impacts to receiving waters and adjacent lands;

5. Pipe and fill wetlands and other surface waters, including irrigation or drainage ditches; and

6. Replace a functional treatment swale that was authorized under Chapter 62-25, F.A.C., or Part IV of Chapter 373, F.S.

(16) The construction, alteration, maintenance, or filling of wholly-owned, artificial surface waters that:

(a) Were or are created entirely from uplands;

(b) Are isolated such that they do not connect to any other wetlands or other surface waters;

(c) Are not excavated within three feet above any aquitard or karst materials;

(d) Involve no more than a total of 0.5 acre of work in wetlands within the artificial waterbody;

(e) Do not impound water above any surrounding natural grade elevation, or have the capability of impounding more than 40 acre-feet of water;

(f) Were or are not created to provide mitigation under Part IV of Chapter 373, F.S.;

(g) Excavated materials shall not be used off-site for commercial, industrial, or construction use;

(h) Were not permitted for stormwater treatment or management under Chapter 62-25, F.A.C., or Part IV of Chapter 373, F.S.;

(i) All excavated material shall be deposited and fully contained within uplands;

(j) Are not a farm pond as defined in Section 403.927, F.S.; and

(k) Work is conducted in accordance with paragraph 62-330.050(9)(b), F.A.C.;

(17) The construction, alteration, operation, maintenance, repair, reclamation, or abandonment of a dry borrow pit for excavation of sand and other soil materials, provided that all of the following conditions are met:

(a) Notice of intent to use this exemption is provided to the Agency 30 days before performing any work.

(b) The area of excavation for the borrow pit shall be less than five acres, when measured at the natural land surface grade of the pit.

(c) The borrow pit shall be constructed entirely in uplands for the purpose of using the borrow materials as appropriately permitted, authorized, or as exempted. If excavated materials will be used off-site for commercial, industrial, or construction use, the borrow pit is subject to the mine reclamation requirements under Part III of Chapter 378, F.S.

(d) Borrow pits under this exemption must meet the following conditions:

1. Does not include construction or maintenance of any embankment above the natural land surface grade as a part of the work to construct the pit and remove the soil materials.

2. No above-grade roads are constructed as access to the pit area.

3. Shall not impact wetlands.
4. Shall not be excavated deeper than three feet above seasonal high water level, any surficial aquifer, aquitard, or karst materials.
5. The pit area shall be protected at all times by adequate fencing and gating structures to limit access and provide for safety.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

From: [Bradley Falco](#)
To: [Paul Burgoon](#); [Wayne Bergman](#)
Cc: [Craig Hauschild](#); [Antonette Fabrizi](#)
Subject: RE: FDEP - 18" Rule
Date: Tuesday, February 24, 2026 10:08:51 AM
Attachments: [image002.png](#)
[image003.png](#)
[FDEP - 62-330.051.doc](#)

Thank you, Paul.

Wayne – Please see below/attached regarding the 18" permitted by DEP. I'll save these for back-up/reference.

Bradley Falco, AICP
Design & Preservation Planner



Town of Palm Beach
Planning Zoning & Building Department
360 South County Road, Palm Beach, FL 33480
Main: +1 561.838.5431 | **Direct:** +1 561.227.6409
Schedule (Typ.): Mon – Thu 7:30 AM – 5:30 PM
www.townofpalmbeach.com

From: Paul Burgoon <pburgoon@TownOfPalmBeach.com>
Sent: Tuesday, February 24, 2026 10:05 AM
To: Bradley Falco <bfalco@TownOfPalmBeach.com>
Cc: Craig Hauschild <chauschild@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: FW: FDEP - 18" Rule

Good morning, Brad.

Please see email below.



Exemptions: Repair or Replace

- Repair or replace (artificial waters)
 - Seawalls &/or Riprap
 - Only backfill needed to level land landward of structure
- Restoration of seawall/riprap (natural waters)
 - If damaged/destroyed within last year
 - Storm, flood, accident, fire
 - No more than 18 inches waterward of previous location
- Construction of new seawall/riprap between and adjoining two seawalls/riprap
 - Must be in line with adjacent walls/riprap
 - May not exceed 150 feet in length
 - Signs of erosion?



11/7/2017

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Thank you,
Paul Burgoon
Right-Of-Way Plans Examiner and Inspector

Town of Palm Beach
PW / PZB
360 South County Road
Palm Beach, FL 33480
Office: 561-227-7042
Fax: 561-835-4621

From: Paul Burgoon
Sent: Tuesday, February 24, 2026 9:58 AM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: FDEP - 18" Rule

Wayne,

I have highlighted the 18" rule for seawall restoration / replacement. I am not sure if this is exactly what you were looking for, please let me know if you need something different.

Thank you,
Paul Burgoon
Right-Of-Way Plans Examiner and Inspector

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