



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on January 6, 2026

CALL TO ORDER AND ROLL CALL

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

Members Present: Chair Gail Coniglio, Vice Chair William Gilbane, Matthew Ailey, Marilyn Beuttenmuller, Victoria Donaldson, Jorge Sanchez, Barbara Chapman, Carol LeCates

Members Absent: Anne Fairfax

Clerk's Note: Ms. Donaldson will be a voting member due to a vacancy created by Ms. McDonald's resignation from the Commission.

PLEDGE OF ALLEGIANCE

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

MINUTES

1. Minutes from the December 2, 2025, Planning & Zoning Commission Meeting
Deferred to the February 3rd, 2026, Planning & Zoning Commission Meeting.

A motion was made by Mr. Gilbane and seconded by Mr. Sanchez to defer the minutes of the December 2, 2025 meeting to the February 3, 2026, meeting. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

2. OFFICIALS

Chair Coniglio acknowledged the attendance of former Commission member, Nicki McDonald, expressed appreciation for her service and stated that she looks forward to Ms. McDonald's leadership on the Town Council.

3. STAFF

There were none.

4. PUBLIC - 3 MINUTE LIMIT

There were none.

GENERAL BUSINESS

UNFINISHED BUSINESS

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

James Murphy, Assistant Director of Planning, Zoning and Building, presented an overview of an existing RB district zoning provision that allowed new development to reduce the front setback by up to five feet in exchange for an equal increase in the rear yard. At Town Council's request, staff reviewed options to retain, delete, or convert the provision to a waiver requiring review by the Architectural Review Commission (ARCOM) or the Landmarks Preservation Commission (LPC).

Mr. Murphy explained that while the provision was a useful design tool, each request should be reviewed on a case-by-case basis by the design commissions. He emphasized that the change would eliminate the matter-of-right approach, require mailed notice to neighboring property owners, and increase transparency. He outlined proposed waiver language and criteria for ARCOM and LPC, noting that any shift would need to be compatible with neighborhood character. The applicant would bear the burden of providing a neighborhood analysis demonstrating that the request would not be disruptive or out of character.

Mr. Sanchez stated that this was an excellent presentation and that most of the town's streets have character. He thought this approach would encourage more courtyard-style homes.

Ms. Chapman expressed concern that Section 2c allowed discretionary approval for both floors, whereas the original code language requires a 30-foot setback for the second floor and a 20-foot setback for the first floor. She questioned whether the language would allow both floors to be at the minimum setback and raised concerns about looming second stories. Mr. Murphy explained that the intent was to shift mass toward the rear of the property and that the front yard could visually absorb the change. She preferred to see the lesser setback remain at one story.

Mr. Gilbane recalled that Bob Garrison had previously helped explain the second story setback issue, noting that differing setbacks could create awkward architectural “pop-up” elements. He asked that staff consult with architects on the 10 versus 20 foot second floor setback, stating that Mr. Garrison’s explanation had changed his perspective and was an important consideration.

Mr. Gilbane also raised concerns about the corner lots in the RB district, noting that front, side, and rear yard requirements can be confusing and visually challenging, particularly where the longest frontage is along a street that is not the property’s address. He emphasized that this condition is common in town and creates unique design issues for corner lots.

Mr. Murphy said one of the examples used was a corner lot condition that did utilize it in both instances, and corner lots have very burdensome setbacks because they create two front yards. He explained that the proposal would continue to allow use of both existing standards already in the code. He noted that, in response to the question about architects, his initial presentation included interviews with fifteen local architects who regularly use this provision, with opinions evenly divided among favorable, neutral and unfavorable. Some architects agreed that the front yard could visually absorb a second story, which led to the proposed edit. He added that the criteria were later presented to ARCOM and emphasized that the work was informed by input from practicing local architects, not developed in a vacuum. Mr. Gilbane noted that some commissioners were not present for that presentation and agreed that revisiting the visuals may be helpful in a future presentation.

Ms. Donaldson wondered how the provision applied to setbacks, specifically for front porches. Mr. Murphy explained that front porches were allowed under the provision and were not treated as separate front-yard extensions. He noted that porches typically do not have foundations and would be included and reviewed as part of the overall structure. Ms. Donaldson noted that porches were not currently listed as allowable encroachments in the zoning code and questioned whether it would be worthwhile to explicitly include them to avoid confusion. Mr. Murphy responded that he did not feel it was necessary to itemize every possible element covered by the discretionary reduction. He clarified that his earlier reference was related to foundations.

Chair Coniglio was concerned because she had not yet seen a house in the North end be rebuilt as a one story. She loved the idea of a courtyard but felt there was potential for two-story, box-like structures with little architectural character. She questioned whether ARCOM could effectively require additional architectural features for second stories when allowing the five-foot setback reduction.

Mr. Murphy responded that under the current zoning code, homes could already be built five feet closer to the street, including two-story homes, without ARCOM review. He explained that, following field visits and interviews directed by the Town Council, staff proposed adding guardrails through four review criteria. These criteria would allow ARCOM to deny requests that failed to meet standards related to view corridors and neighborhood compatibility. He emphasized that staff was not changing the underlying entitlement but rather adding review criteria to provide ARCOM with discretion to determine when a proposal did not work for a particular street.

Mr. Murphy stated that he would bring the item back the following month with revisions, noting that the most significant potential change appeared to be limiting the provision to a one-story

encroachment rather than allowing two stories. He suggested either continuing the discussion at the next meeting or providing additional visuals, adding that he did not believe there was sufficient information yet to decide between one or two stories and that the visuals would be helpful in informing the decision.

6. Zoning Code Items – Quick Fix #15

6.1 2025 Comprehensive Plan EAR Policies that Require Placement into Chapter 134, Zoning. (Per Florida Statute)

Jennifer Hofmeister, Planner III, presented zoning code changes, stating that this item was being brought back as a result of discussion during the last meeting. She explained that the zoning code amendments reflected policy changes adopted by the Town Council and included 11 revisions, with the most significant being the floor area ratio (FAR). She noted that staff had recommended a maximum FAR of 1.0 in response to a requirement from the state planning agency to establish an intensity standard as part of the ORC report.

Ms. Hofmeister explained that multiple examples had been presented, and the Commission had recommended moving forward with an FAR of 1.0 along with the other proposed code changes, with Mr. Sanchez dissenting. In response, staff reviewed additional projects, including Via Flagler, which slightly exceeded an FAR of 1.0 due to setbacks, courtyards, and underground parking. She stated that other sites on Royal Palm Way met the FAR standard, while additional projects on Worth Avenue exceeded it due to the absence of parking and setback opportunities.

She noted that the presentation was subsequently made to Town Council, and staff carefully considered Mr. Sanchez's concerns that a one-size-fits-all approach might be inappropriate. She explained that staff examined different commercial zoning districts, including C-WA to determine whether varying maximums might be warranted. She emphasized that the purpose of establishing a maximum FAR was to meet state requirements and reduce the need for variances, noting that, similar to residential density, exceeding the maximum intensity would require rezoning rather than variances.

Ms. Hofmeister stated that staff saw opportunities for improved design, such as allowing underground parking to support better building articulation without exceeding a maximum FAR but emphasized that the appropriate FAR values required further study. She explained that to meet state requirements while allowing time to refine standards, the ordinance moving forward to the Town Council would remove the FAR of 1.0 from all sections of the code.

She further stated that staff would return in the following month or shortly thereafter with a proposed policy language for the Comprehensive Plan (Policy 1.15) establishing FAR as an intensity standard in all commercial districts. This approach would allow time to determine appropriate maximum FARs for each district. She noted that state law would then require zoning code amendments within one year, though staff intended to proceed sooner as part of ongoing updates to the commercial zoning regulations.

She added that this timing aligned well with the pending water supply plan update from the City of West Palm Beach, which would require corresponding amendments to the infrastructure element of the Comprehensive Plan. Staff planned to combine these Comprehensive Plan

updates and return to the Commission in the coming months, and she concluded and offered to answer any questions.

Chair Coniglio wondered whether the higher FAR examples in the 300 block of Worth Avenue were older buildings. Ms. Hofmeister said the Everglades Club was older while other shops, such as Via Flagler, were relatively new. Chair Coniglio questioned whether projects with FARs of approximately 1.3 to 1.8 were developed under older code standards and expressed concern that the higher FARs could incentivize new development to build to the maximum allowed. She added that she was not comfortable with the higher FAR numbers and requested some visual comparisons showing what an FAR of 1.0, 1.1, and 1.8 would look like so she could better understand the scale of potential impacts. She acknowledged staff's explanation and agreed that updated parking regulations would be an important factor, particularly on Worth Avenue, where parking opportunities are limited. She noted that any desire to add second stories to existing single-story buildings would need to be carefully evaluated in that context.

Mr. Gilbane emphasized that his overarching concern was the intensification of development on the island, where limited land availability caused use, floor area, and intensity issues to converge. He felt that parking restrictions that were used to control growth from 1970, had left the island with a traffic problem, which he believed related back to intensity of use and how the Town Code and Comprehensive Plan deal with increased intensity. He said uses do matter, parking does matter and if not managed, there would be unintended consequences.

Ms. Hofmeister stated that there are limitations with Worth Avenue and that architectural design is what makes Palm Beach unique. However, there are limitations to parking and there will be further limitations in the future. Mr. Gilbane expressed concern that additional parking would bring more vehicles. She stated that is why staff and Kimley Horn are studying parking. Ms. Hofmeister reminded the commission that this discussion was about commercial, and that finding a balance was imperative. She noted that all of the challenges are interconnected.

Chair Coniglio wondered if there could be value in approaching the parking with a like for like perspective. She stated that existing retail and local businesses operated within established square footage and parking parameters, and that new businesses could be required to meet the same standards. She noted that current conditions had been manageable and questioned whether increasing the FAR (floor area ratio) to allow for additional stories would result in additional traffic and greater intensification of use. In addition, she added the community could generally function within the existing density and intensity of use. In response, Ms. Hofmeister explained that FAR as an intensity standard did not necessarily increase the number of people or activity but rather regulated the relationship of building mass to the site. She also pointed out that the town has not had an intensity standard.

The consensus of the commission was that the FAR is valuable.

Mr. Sanchez said the ownership of a property has to be considered, where there is no way to prohibit the property owner from building a second story. Also, the second aspect is that there are more and more commercial buildings on the island that are being converted to residential. He said that there needs to be accommodations for the businesses and services that are needed by island residents.

Ms. Donaldson felt that FAR was important as it establishes a maximum, but she noted it does not account for intensity of use. She did not feel that mass and volume was the way to define an intensity standard. She was more accustomed to seeing FAR with residential uses rather than commercial. Ms. Hofmeister noted that building use and floor area were directly related, as different uses such as office, retail or restaurants carried different parking requirements, along with setback and parking constraints. Ms. Donaldson asked if building size was already fully regulated through existing zoning standards such as height, number of stories, setbacks, and parking. Ms. Hofmeister responded that if those standards were sufficient, there would not be so many requests for variances. She said that establishing a maximum intensity through floor area ration would provide more clearly defined limits on development.

Motion was made by Mr. Gilbane and seconded by Mr. Sanchez to approve the Quick Fix # 15 as presented and to be brought to the Town Council at the January 13, 2026 council meeting. The Motion was carried unanimously, 7-0.

Public Comments

Anita Seltzer, 44 Cocoanut Row, urged the Commission to balance property rights with the Comprehensive Plan and Strategic Plan, emphasizing that planning principles should guide zoning decisions. She wondered how allowing second stories on commercial buildings aligned with the intent of the Comprehensive Plan, including where additional intensity or residential uses were appropriate. She asked the Commission to remember the work invested in the plan and cautioned that use agreements approved by the Town Council had effectively increased intensity and shifted enforcement burdens onto residents, in her opinion.

A brief discussion ensued about the details of Ordinance 35-2025, which was presented to the Planning and Zoning Commission last month. Ms. Hofmeister stated that the FAR had been removed, and that most of the ordinance revisions were technical, reflecting terminology changes needed to accommodate a future FAR standard. She stated that the only substantive change was shifting from leasable area to floor area. She noted that the Commission had recommended moving forward with the ordinance in the prior month, and that it was brought back without a FAR value to allow further evaluation of appropriate standards for each commercial district. She clarified that Ordinance 35-2025 was introduced previously without an FAR number, had not been amended, and now included a number for first reading before the Town Council the following week. Chair Coniglio asked about page 25 of 61 regarding special exception uses. She stated that she believed schools had been removed and noted that the related discussion had never been incorporated into the ordinance. Ms. Hofmeister explained that the discussion about commercial uses had been paused and would be addressed when the commercial zoning update resumed. She stated that due to time constraints, staff focused only on the necessary changes tied to adopted Comprehensive Plan policies. She also noted that permitted and special exception uses, including town-serving office, personal service and retail, remained unchanged and would be revisited as part of the future commercial zoning update.

NEW BUSINESS

7. Review and Recommendation of Draft Ordinance No. 034-2025 regarding SB 954 Community Certified Recovery Residences

7.1 34-2025 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning By Amending Article Viii, Division 16. – Reasonable Accommodation Procedures At Sections 134-2112 Reasonable Accommodation Procedures To Update The Town's Reasonable Accommodation Procedures And Certified Recovery Residences Regulations; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Peter Henn, Town Attorney, presented the draft Ordinance and requested that the Commission approve it and forward it to the Town Council for adoption. He discussed new state law which would require all local governments to amend their codes to address certified recovery residences, even if none currently existed locally. He stated that the draft ordinance had three parts: updating code language to track state statutory requirements, modernizing reasonable accommodation procedures to allow administrative review rather than public notice and hearings, and adding provisions to better regulate certified recovery residences operated by corporate entities.

He noted that the reasonable accommodation changes were intended to avoid unnecessarily public or embarrassing processes for individuals needing accommodations, while still complying with federal law. He explained that additional provisions were included to ensure certified recovery residences were properly licensed and monitored, since federal law did not allow the Town to prohibit them. He emphasized that most of the ordinance tracked required statutory language, that compliance was mandatory, and that staff was seeking a recommendation forward to the Town Council.

Mr. Gilbane stated that this would be a business operating in a place where currently it would be prohibited. Mr. Henn explained that the certified recovery residences were treated as residential uses under the law, even though they were often viewed as commercial in practice. He provided an example and stated that under current law, the Town Manager would generally be required to grant a reasonable accommodation absent a compelling reason to deny it. He acknowledged that while such uses were often perceived as commercial, legally they were residential. Mr. Gilbane referred to a provision in the town's zoning code which addresses unrelated parties cohabitating. He was concerned about this type of use. He further explained that town residents would be very surprised to learn that this is an allowed use under the zoning code, having multiple tenants in one single-family residence coming and going. He questioned where those vehicles would be parked and referenced the ripple effect this use would have on the town.

Mr. Henn stated that the town would have no choice in this matter, as this use would be protected under the law. He said the way the statute is written, they still have to go through architectural review and approval. He stated that everything in the ordinance ties back to the definition of family. There is not a sunset provision, however that may be added as a condition of approval. His opinion was that it would not be unreasonable to do so. He stated that legal could develop draft language for consideration.

Chair Coniglio asked whether additional criteria, such as occupancy limits, could be applied to sober homes classified as family use to protect residential neighborhoods. She acknowledged that state and federal mandates exist but expressed concern that such uses could negatively impact surrounding property values. Mr. Henn responded that the issue required further research and

noted that while examples such as two occupants per bedroom were typical, higher occupancies would trigger enforcement through fire, building and other related codes.

Chair Coniglio asked about the use of condominiums. Mr. Henn said under the law there would be no way to stop someone from using an individual condominium unit for this purpose.

Mr. Gilbane raised the question of whether the tenants would be registered to somehow regulate the number of people. He noted that it would be important to not create a transient operation. He noted that the town does not allow Airbnbs for a similar reason. Mr. Henn said he did not believe there were any such provisions in federal law.

Chair Coniglio asked if there could be restrictions based on use. Mr. Henn said the town could look at limiting the number of bedrooms for a certain zoning district, but it would have to be done uniformly.

Mr. Gilbane said that if someone is making money from this, the use becomes commercial. He felt that residential property owners have rights, also.

Mr. Henn explained that the proposed ordinance language on page 59 requires anyone seeking a reasonable accommodation to meet the definition of family to provide proof of state licensure, certifications, fire safety compliance and identification of a supervisor. He stated that, if state standards were met, this was the full extent of the Town's authority under federal law. He also emphasized that the Fair Housing Act and Americans with Disabilities Act limited local discretion, that the Town could not prohibit such uses outright, and that any denial would likely result in federal litigation over whether the accommodation was reasonable.

Ms. Chapman wondered whether a for-profit nursing home or rehabilitation center could operate in a residential district. Mr. Henn explained that individuals who fell under the Fair Housing Act or Americans with Disabilities Act were intended to be integrated into residential communities, not limited to commercial areas.

Ms. Hofmeister noted that the Town allows group homes, as a special exception, and it is limited to up to six occupants.

Motion was made by Ms. Beuttenmuller and seconded by Ms. Donaldson to recommend approval of Ordinance No. 034-2025 by the Town Council. The Motion was carried unanimously, 7-0.

ANY OTHER BUSINESS

There was none.

MEETING SCHEDULE

8. The next meeting is scheduled for February 3, 2026.

ADJOURNMENT

A motion was made by Ms. LeCates and seconded by Mr. Sanchez to adjourn the meeting at 11:21 AM. The motion was carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair