



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on March 2, 2026

CALL TO ORDER AND ROLL CALL

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

Members Present: Gail Coniglio, William Gilbane, Marilyn Beuttenmuller, Barbara Chapman, Martin Klein, Carol LeCates, Jorge Sanchez, Victoria Donaldson, Anne Fairfax

Members Excused: Matthew Ailey

Staff Present: Wayne Bergman, James Murphy, Jennifer Hofmeister, Pat Gayle-Gordon

PLEDGE OF ALLEGIANCE

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

A motion was made by Mr. Gilbane and seconded by Mr. Klein to defer the minutes of the February 3, 2026 meeting as presented. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

2. OFFICIALS

Mr. Sanchez spoke about an ordinance enacted requiring garages to be screened and not visible from the street. James Murphy, Assistant Director of PZB, explained that the code currently requires landscaping to screen front-yard parking when vehicles are parked parallel to the road. He noted that while the code requires a three-foot screen, there are no maintenance or height limits on front-yard landscaping, which can lead to excessive growth and "green tunneling." He suggested the Town Council could direct staff to review or modify this provision as part of a broader discussion about front-yard landscaping and screening.

Chair Coniglio agreed with Mr. Sanchez. She noted that the Town previously addressed situations where neighboring hedges grew excessively tall and extended onto adjacent properties, suggesting there may be precedent for regulating landscaping in this way. As Chair of PZC, she stated she would be willing to bring the issue forward to the Town Council for further review, though they were uncertain about including a sunset provision. Mr. Murphy responded that, with any ordinance, content can be added or removed, and the sunset provision could be included as a pilot case. He said that, should it be amenable to the Town Council, that requirement could be removed.

Mr. Gilbane noted that whether or not the provision is in the code, ARCOM would review the plan and decide whether it is appropriate.

Ms. LeCates said that many homes fronting busy roads rely on hedges to provide privacy and buffer traffic noise, particularly along County Road.

Mr. Bergman explained that the code currently requires front-yard parking to be screened by a hedge of at least six feet in height. If the Commission wishes, staff could ask the Town Council whether they would like to revisit this requirement and potentially address it as part of a future tranche, quick-fix amendment. He also noted that the issue had also been discussed several years ago but no action was taken. Chair Coniglio thought it was worth discussing.

The consensus was for staff to bring their question to the Town Council for discussion.

Ms. Fairfax noted that property owners often must seek variances for existing conditions that are already grandfathered, citing a recent example at the Esplanade where a minor height difference required a variance despite being an existing condition. The member suggested exploring whether the code could identify such situations differently so owners would not need to go through the variance process for conditions that are effectively grandfathered.

Mr. Bergman explained that not all requests require a variance, noting that some minor deviations—such as matching an existing nonconformity—could potentially be treated as a waiver instead. Under the proposed code reform, ARCOM and the Landmarks Preservation Commission may be given limited discretion to approve de minimis

changes, allowing smaller issues to be addressed without requiring a formal variance process.

Ms. LeCates stated that when the Council approved the proposal to reduce the front yard setback by 5 feet to increase rear yard space, it appeared the original intent of the provision may not have been fully understood. She explained that the reduced setback was originally intended to be rarely used as a waiver and that the five-foot second-story setback served as a disincentive to overuse. Allowing the second story to extend up to 50% of the elevation could unintentionally encourage more homes to shift closer to the street, effectively altering the front-yard setback pattern in the RB District and moving away from the regulation's original intent. Mr. Murphy responded, explaining the fundamental purpose of the ordinance: to allow ARCOM discretion to review and approve, or deny, such encroachment, which was previously a matter of right.

Mr. Gilbane requested that more photographs be provided in the future, as Mr. Sanchez's pictures were very helpful. He also discussed why he voted the way he did on the five-foot issue.

3. STAFF

4. PUBLIC - 3 MINUTE LIMIT

Anita Seltzer, 44 Cocoanut Row spoke regarding planning issues.

NEW BUSINESS

5. Tranche 4 Introduction

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

5.2 QUICK FIX #17: Beach Access Stairs

James Murphy along with Wayne Bergman presented the quick fix for beach access stairs and seawalls.

Mr. Murphy provided an update regarding Town Council actions that had been taken thus far on quick fixes. He explained that the next topic would be awnings and canopies, which are currently exempt from CCR calculations but may later be enclosed, prompting applicants to request CCR variances. The proposed amendment aims to close that loophole. Mr. Murphy also noted that, of seven potential code changes supported by Town Council, including tandem parking and two-story guest houses, four are being presented now due to time constraints, with the remaining items to be brought forward later.

Mr. Bergman explained that the Town previously lacked clear regulations for beach access stairs, leading to inconsistent designs and uncertainty about their placement, setbacks, and allowed features. To fix this, staff suggested a simple ordinance setting basic standards, such as definitions, setbacks, projections, one structure per parcel, approved gates, and forbidden features, which

align with DEP (Florida Dept. of Environmental Protection) requirements. The item was expedited as a "quick fix" and scheduled for review at the upcoming LPA meeting.

Ms. Beuttenmuller asked whether the proposed language referencing beach access structures located seaward of bulkheads or seawalls would also apply to properties where the yard transitions directly to the dune or beach and access is provided by a simple wooden walkway rather than stairs from a bulkhead or seawall. Mr. Bergman said that would be a dune crossover, and something that is also on the staff list of items to bring forward to the PZC.

Chair Coniglio thought the presentation made sense but wondered what would happen in the event of a hurricane. Mr. Murphy said that nonconforming structures such as stairs, driveways or homes may remain, but if they are destroyed or renovated beyond 50%, they would not have to be brought up to current standards. This is why codifying clear regulations aligned with DEP requirements is important. He further noted that if an owner wishes to rebuild a nonconforming structure, a variance would be required.

Ms. Fairfax felt that if the current situation was not creating harm, perhaps there was not a need for any changes.

In response to the discussion, Mr. Bergman explained that approvals for beach access structures had been handled inconsistently over the years due to the lack of clear standards. The proposed amendment would establish basic parameters in the zoning code and align Town requirements with the permitting standards of the Florida Department of Environmental Protection for structures located seaward of the Coastal Construction Control Line.

Mr. Gilbane supported the proposed amendment, noting that after recent storms destroyed several beach access stairs, there was significant confusion about how both private and shared stairs could be rebuilt. He stated that establishing clear regulations would reduce ambiguity, ease the process for residents, and serve as a positive and practical improvement. Chair Coniglio noted that the proposed regulations would not apply to beach access stairs damaged by major storms, as owners could rebuild the structures as they currently exist.

Motion was made by Mr. Sanchez and seconded by Mr. Klein to recommend approval to the Town Council of Ordinance No. 009-2026. The motion was carried unanimously, 7-0.

Chair Coniglio asked Mr. Bergman to ensure that, when presenting the item to the Town Council, they explain that the new regulations would apply only to future beach access structures and not to stairs rebuilt after storm damage, which may be reconstructed as they previously existed.

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

Mr. Murphy presented a recommendation to remove the Principle of Equivalency pertaining to parking for commercially landmarked properties. He explained that the discussion focused on a code provision that may exempt landmark commercial buildings from providing additional parking when interior renovations increase occupancy or use. Because the Town has moved away from using gross leasable area in parking calculations—and due to concerns about potential over-commercialization—staff recommended removing the provision entirely. The change would affect

approximately 50 landmark commercial properties and had received strong support from the Town Council. The proposal is to delete this section in its entirety.

Joanne O'Connor, Town Attorney, noted that while staff is advancing the proposed code change, the Town is monitoring potential impacts from SB 180 and other bills currently moving through the Florida Legislature. She explained that competing proposals could either keep Palm Beach County subject to SB 180 or limit the law's application to areas within 50 miles of a declared disaster and to properties actually damaged by the storm. Because of this uncertainty, there may be a slight delay before the item reaches Town Council, but staff believed it was important to continue moving the proposal forward.

Ms. Chapman felt that where unintended consequences are referenced, there should be an explanation of what those consequences have been. She also wondered if the Landmarks Preservation Commission had seen this proposal and been given the opportunity to comment. Mr. Murphy said the Landmarks Preservation Commission had not seen this proposal because this was a direction by Town Council.

Public Comments

Anita Seltzer, 44 Coconut Row spoke regarding off-street parking and requested some clarification.

Mr. Murphy clarified that outdoor courtyards and similar exterior features do not create additional parking requirements and are instead reviewed by the Landmarks Preservation Commission for design considerations. Staff also noted that the language discussed does not override existing code sections that specify parking requirements for different uses, such as office, retail, and café uses.

Mr. Gilbane stated that, as a preservationist, while the concept of the current provision may work in theory, it does not function well in a fully built-out town without an established intensity standard. The member supported removing it in the short term to give Town Council more control and said it would also encourage the development of a clearer intensity standard in the future.

Ms. Fairfax asked whether landmarked commercial buildings without on-site parking would be required to secure parking elsewhere. Mr. Murphy clarified that parking requirements still apply when there are improvements or changes of use, though the Town Council may review landmark buildings differently than new construction. The proposed amendment does not remove parking rights but clarifies the interpretation of interior changes, such as removing hallways or adjusting the leasable area, that previously did not trigger additional parking requirements.

Motion was made by Mr. Gilbane and seconded by Mr. Klein to approve staff's recommendation to the Town Council of Ordinance No. 007-2026. The motion carried unanimously, 7-0.

5.4 QUICK FIX #20: Signage on Awning Valance

Mr. Murphy explained that a valance is the flap or lower edge that hangs from an awning. Because the current zoning code does not allow signage on awnings, businesses must request variances for this type of sign. However, historical research showed that modest signage on awning valances has long been common in Palm Beach commercial areas, particularly where buildings lack space for traditional wall signs. This item is being presented to the PZC because multiple variances have been requested, most recently the Elefante. Staff is trying to create a regulating authority by

which to review this type of request while removing the need for unnecessary variances from the code.

A brief discussion ensued about the size of lettering and the percentage of signage that would be allowed. Mr. Murphy answered the commissioner's questions.

Motion was made by Mr. Gilbane and seconded by Mr. Klein to approve Ordinance No. 006-2026 as amended to take into account 20% versus 25%. The motion carried unanimously, 7-0.

5.5 QUICK FIX #22: Guest Houses - Forthcoming

5.6 QUICK FIX #23: Tandem Parking

Mr. Murphy presented the quick fix that would allow for maximized capacity, professional coordination, space optimization, and operational efficiency. He explained that tandem parking is also known as stacked parking, and it occurs when two or more vehicles are parked in a single space, one behind the other. The proposed amendment would allow tandem parking to be reviewed as a special exception rather than a variance, shifting the review from a hardship standard to a more flexible process that could include operational conditions and circulation plan requirements.

Ms. LeCates asked why circulation plans and operational conditions were not required for parking variances. Mr. Murphy explained that a variance review is limited to demonstrating hardship under the seven variance criteria and does not typically require additional operational details. Instead of modifying the variance criteria, staff proposed reviewing tandem parking as a **special exception**, which allows the Town to require circulation plans and operational conditions as part of the approval.

Mr. Gilbane expressed support for allowing tandem parking but raised concerns about existing valet operations in town, noting that they often appear disorganized and sometimes use public parking spaces instead of designated areas. The member cited safety concerns on streets like Bradley Place and questioned whether tandem parking provisions would be effectively used without stronger oversight and regulation of valet operations.

Chair Coniglio was concerned about this causing the burden to fall on the town to determine whether or not the practice is safe or unsafe, usable or manageable. Mr. Murphy responded. She raised concern about enforcement, asking what requirements or mitigation measures would apply if valet operations were not properly managed. She also questioned what would prevent valets from occupying entire parking lots or public parking spaces and how the Town would address failures to maintain valet operations in accordance with approved conditions.

Mr. Gilbane said the real issue is that there are not exclusive garages or lots dedicated to valet, other than the Apollo lot. He questioned whether valet was actually helping the parking problem. Mr. Murphy said it is intended to be limited and is very limited. Mr. Gilbane felt that the parking problem in town was in large part due to valet services using public parking.

Ms. LeCates expressed opposition to this and cautioned the encouragement of more parking and more intense uses. She said there had been a number of studies over the years and the town has plenty of garages. A lot has to do with whether those facilities are shared and the hours of

operation. She thought that shifting the burden to the town instead of the applicant had potential for disaster. She also thought that it was antithetical to the goals of the comprehensive plan, stating that more parking leads to more intensity of use.

Mr. Klein expressed concern about changing tandem parking approvals from a variance to a special exception, stating that while tandem parking in a valet-operated garage may be reasonable, he was uncertain why the variance process should be replaced.

Mr. Murphy said these variances are requested often, and staff thought having actual regulations and review criteria that are tangible rather than an applicant stating a lofty letter of intent that they meet hardship criteria would be better.

Attorney O'Connor explained that both variances and special exceptions require applicants to meet specific criteria, but a variance requires demonstrating a hardship, which can be difficult to justify for tandem parking. She noted that reviewing tandem parking as a special exception may be more appropriate in some cases, as it allows the Town to evaluate planning considerations and operational conditions if the applicable criteria are met.

Ms. Donaldson described an experience at the Honor Bar parking lot where valet attendants quickly directed drivers away from certain spaces, indicating they were reserved for the restaurant's use. The member asked whether that portion of the lot was effectively unavailable to the public unless patrons were visiting the restaurant. Mr. Murphy acknowledged the concern and explained that the regulation was intended for primary-use parking facilities, such as structured garages or lots, rather than locations where public parking and valet operations overlap. Staff agreed that the example raised a valid safety concern and illustrated how mixed-use parking situations could create operational conflicts.

Mr. Gilbane suggested linking the tandem parking discussion to the recent removal of the principle of equivalency provision, noting that some landmarked properties had increased use without corresponding parking. The member stated that issues with valet operations and tandem parking highlight the broader need to address parking, intensity of use, and zoning standards together, and asked staff to help refine the proposal so it more clearly applies to private valet garages or surface lots. Mr. Murphy respectfully said the simplest way would be to limit it to valet-operated garages only.

Mr. Murphy requested additional input on one part of the ordinance. He clarified that tandem parking should not count toward required parking spaces because doing so could lead to an intensification of use without adequate parking. Instead, tandem parking would only be permitted in valet-operated garages and not used to satisfy minimum parking requirements. Staff also noted that mechanical lifts are not included in the proposed ordinance.

Public Comment

Anita Seltzer, 44 Cocoanut Row spoke regarding parking.

Motion made by Mr. Klein and seconded by Ms. Beuttenmuller to approve Ordinance No. 008-2026 as amended.

Ms. LeCates reiterated her point that she did not feel the direction was consistent with the goals of the comprehensive plan to reduce intensity. She did not think tandem parking was suitable in Palm Beach, and she stated that if the town wishes to control congestion and intensity, things should be moving in the opposite direction.

Additional discussion suggested revisiting the proposal to consider limiting tandem parking to a percentage above the existing parking capacity, such as 10%, to help prevent intensification of use. The board agreed it would be helpful for staff to return with data on existing parking garages and potential impacts before forwarding the item to Town Council, noting that waiting one month would allow for a more informed discussion.

After discussion, the motion was tabled until next month's meeting.

5.7 QUICK FIX #24: Bulkhead, Seawalls, Groins

Clerk's Note: This item was heard immediately after item no. 5.2

Mr. Bergman explained that many variance requests involve moving seawalls farther toward the water, as the current code only allows a 12-inch extension. Because the Florida Department of Environmental Protection typically allows up to 18 inches, staff proposed revising the code to match that standard. Extensions beyond 18 inches, such as matching neighboring seawalls that extend farther waterward, would still require a variance.

Mr. Bergman further suggested that a discussion be held to consider the level of approval required when property owners seek to move a seawall farther waterward, such as to match neighboring seawalls, and whether it should remain a zoning variance or be handled through a waiver process. Staff responded that the current proposal addresses only aligning the code with the DEP's 18-inch standard, and that broader procedural changes had not yet been explored due to the quick turnaround.

Mr. Sanchez stated that it would be important to give property owners enough room to construct new seawalls. He noted that 12 inches is not enough.

Motion was made by Mr. Klein and seconded by Ms. Beuttenmuller to recommend to the Town Council approval of Ordinance No. 010-2026, as amended. The motion was carried unanimously, 7-0.

Clerk's Note: Mr. Sanchez, Ms. LeCates and Ms. Donaldson left the meeting before adjournment.

ANY OTHER BUSINESS

Jennifer Hofmeister, Planner III, noted that upcoming discussions on commercial zoning will be tied to required updates to the Comprehensive Plan, including a new water supply plan and future land use map changes. Staff will begin reviewing commercial districts by analyzing historic studies and updating data on commercial bay sizes and FAR, but the discussion will initially occur in a workshop format rather than as a proposed ordinance to ensure public input.

There was additional discussion about forthcoming items, informing the commissioners of what they may expect in future discussions as part of the zoning code reform process.

Chair Coniglio welcomed new member Martin Klein to the Commission.

MEETING SCHEDULE

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

ADJOURNMENT

Motion was made by Mr. Gilbane and seconded by Mr. Klein to adjourn the meeting at 11:55 a.m. The motion was carried unanimously, 6-0 with Ms. Fairfax as a voting member and Mr. Sanchez, Ms. LeCates and Ms. Donaldson having left the meeting earlier.

Respectfully Submitted,


Gail Coniglio, Chair