

# TOWN OF PALM BEACH

Minutes of the Town Council Meeting  
Held on February 11, 2026

## CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:31 AM in the Town Council Chambers.

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

**Staff Present:** Wayne Bergman, James Murphy, Jennifer Hofmeister, Friederike Mittner, and Kelly Churney

## INVOCATION AND PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

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

## ADMINISTRATION OF THE OATH

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

## COMMENTS

### 1. MAYOR AND TOWN COUNCIL MEMBERS

Mayor Moore stated she would be leaving at 5 p.m. today due to a family commitment.

Council President Lindsay reviewed the 2:00 p.m. time-certain item on the agenda.

Council Member Araskog expressed concern about the formation of a Political Action Committee (PAC) supporting one of the Town Council candidates. She noted that these types of committees can be divisive.

Council Member Cooney shared the concerns expressed by Council Member Araskog about the PACs in town. He thanked and congratulated Jill and Avie Glazer on the opening of the theater at Royal Poinciana; he discussed how well opening night traffic went, given that the restaurant was also open.

## 2. PUBLIC - 3 MINUTE LIMIT

Dan Floersheimer, 125 Chateaux Drive, addressed the council regarding concerns about historic and specimen trees and the ongoing white fly infestation. He stated that Ficus trees along North County Road appeared to be a source of the problem and that current pest control measures seemed insufficient.

Mr. Floersheimer requested that the Council coordinate with the Garden Club and the undergrounding project to remove Ficus trees on the east side of North County Road, where no historic or specimen trees were located, and replace them with alternative species to preserve the canopy. He emphasized the Town's goal of reducing Ficus trees, particularly Ficus Benjamina.

Council President Pro Tem Crampton suggested that Mr. Floersheimer contact Paul Brazil, Public Works Director. He stated that Mr. Floersheimer would have an opportunity to participate in the planning process for where trees might be planted.

Council President Lindsay suggested sending out updated information to refresh the public's memory of several years earlier, when the Town's Public Works Department had asked the Garden Club to form a task force to address the large canopy of Ficus Benjamina trees, commonly referred to as banyans, along North County Road.

At the time, whitefly infestations had weakened the trees, making them susceptible to Hypoxylon Canker, a lethal disease that caused tree loss. After consulting two independent horticulturists, both experts recommended replacing the affected trees with Ficus *aurea* (strangler fig), the Florida native banyan species. The Town adopted that approach and has since replaced canopy trees with Ficus *aurea* as they declined.

Council President Lindsay stated that the Garden Club also implemented a policy of planting native species, particularly for Arbor Day and other replacement efforts, selecting trees that were not susceptible to whitefly. Additionally, the Town established a hedge replacement incentive program as part of its green initiative to encourage residents to remove Ficus *benjamina* hedges and replace them with native alternatives, such as green buttonwood, which provides a similar appearance without the pest vulnerability. The program previously led to multiple Ficus hedge removals and may be scheduled to return to the agenda in the spring.

Mr. Floersheimer acknowledged ongoing median and landscaping improvements along North County Road, expected to be completed the following summer, and suggested that the Town proactively remove and replace declining trees before they fail, if feasible within the budget.

## **PUBLIC HEARINGS**

## **GENERAL BUSINESS**

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

#### **3.1 Quick Fix #12: Basements - Amended to Address Flood Vents Openings**

Director Wayne Bergman addressed flood vents. He stated that during review of the Ambassador and Edgewater project, the Council had supported placing parking in a subterranean structure classified as a basement, with habitable space above. However, the zoning code strictly limited basement wall penetrations to vehicle access, pedestrian access, and fire escapes. Because FEMA required flood vents in the lower structure, the space technically could not qualify as a basement. With the assistance of legal counsel, the Town accepted a hold harmless letter to process the application. The Council supported the approach, the project was approved, and it moved forward.

Staff explained that the code unintentionally penalized resiliency efforts and lacked alignment between zoning regulations and floodplain compliance. While broader basement regulations remained under review—particularly issues related to drainage, stormwater management, setbacks, lot coverage, landscaping, and open space, this amendment was limited in scope.

The ordinance simply defined flood vents as legitimate basement wall penetrations when required, ensuring compliance before upcoming permit applications for the Ambassador and Edgewater projects were submitted.

President Pro Tem Crampton thought this change was essential to the new OKO /Ambassador project.

Council Member Cooney inquired about the original code language and why the requirement was not included when it was drafted. Mr. Bergman provided clarification. Council Member Cooney also asked whether the same requirement applied to single-family homes.

Council Member Araskog corrected the record, noting that while she supported the item, not all residents of the south end did.

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

Mr. Bergman stated that the first reading of an ordinance to adopt this item was scheduled for consideration later in the day.

#### **3.2 Quick Fix #14: Front / Rear Setbacks**

Assistant Director James Murphy presented the Council-directed quick-fix amendment. The provision applied to the RB zoning district and allowed, as a matter of right, new development or additions to encroach five feet into the required front-yard setback, provided the rear-yard setback was increased by five feet.

Mr. Murphy displayed a diagram of a typical street, noting that the dashed lines reflected the traditional, generally uniform front and rear yard setbacks along a streetscape. Under the provision, a building could be moved five feet closer to the street in exchange for additional rear-yard space.

He explained that the intent was to allow for expanded rear-yard amenities, such as pools and garden areas, while acknowledging that the adjustment reduced the front-yard setback. Staff had been directed to study the impact of this provision.

Mr. Murphy stated that a takeaway from the analysis was that streets throughout the district were highly varied, as were the architectural styles developed during the post-war boom and in more recent construction. Additionally, updated FEMA maps required certain structures to be built at higher elevations. He noted that the Council's direction to analyze the provision had been beneficial, given the varying streetscape conditions and regulatory factors. He also noted that new construction is typically larger in scale than the lower-lying post-war homes. Therefore, these should be reviewed on a case-by-case and street-by-street basis, critically reviewed by ARCOM, and incorporated as a design waiver. He explained what this process would look like.

Council Member Cooney stated he was more inclined to give ARCOM some leeway and direction. He noted that key concerns in the RB district included neighborhood context, scale, and the increasingly uniform appearance of the newer homes. He supported an emphasis on streetscape character and preferred allowing the ARCOM flexibility rather than mandating strict setback requirements. He expressed concern that doing so could unintentionally result in design uniformity.

Council Member Araskog stated that Jeff Smith was the person she spoke with about the issue. She questioned whether the provision for two-story homes should be allowed, noting that the reduced setback could increase perceived massing. She acknowledged the varied opinions of architects and indicated support for the provision as written.

Council President Pro Tem Crampton favored the quick fix. He noted the broader goal of the zoning code updates was to reduce rigidity. He stated that he thought quality appointments had been made to the ARCOM and Landmarks Commission and indicated a willingness to rely on their judgment. He agreed that allowing flexibility would better promote architectural diversity and neighborhood compatibility, emphasizing that context should be evaluated in the field rather than dictated solely by strict code language.

Council Member Moran was inclined to allow more flexibility and to allow two stories moving forward, but it would be at ARCOM's discretion. She also liked the idea of being able to track the process.

Mayor Moore appreciated Council Member Araskog's point because moving forward with the two stories with the new FEMA requirement would feel that way. She wanted to make sure that the charm wouldn't be lost while still allowing as much flexibility as possible.

Council President Lindsay supported providing the Commission some flexibility to evaluate projects in context, noting that many older homes were being replaced with two-story residences. She emphasized the importance of community input, public notice, and thoughtful ARCOM review to preserve neighborhood charm and expressed confidence that the provision would be effective if properly managed. She also noted that residents in the North End and Midtown want to protect the character of their streets.

Council Member Araskog agreed with Council Member Cooney and supported the Council's decision.

Mr. Murphy stated that the first reading of the ordinance was scheduled for consideration later in the day. He noted that a scrivener's error would be corrected before second reading and that the revision would not affect the ordinance's title.

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

### 3.3 Tranche 4 Introduction

Assistant Director James Murphy provided a brief introduction of the next five items under review to be presented for consideration as part of Tranche 4. He provided a timeline and outlined the items to be discussed at future meetings. The five items will be 1) Beach access stairs and seawalls; 2) Chimneys, dormers, arcades, towers; 3) Principle of Equivalency Landmark commercial buildings; 4) Signage on awning valances; and 5) awnings/canopies (CCR).

Council Member Cooney thanked the staff and thought they were on track. He did not support the incentive for pergolas as he thought that those items were always changed to a structure with a roof. He raised a concern about keeping the Planning and Zoning group whole until the zoning code review is complete.

Council Member Araskog thanked the staff and thought the changes and movement were in the right direction.

Mayor Moore thought some of the items presented in tranche 4 could be approved quickly, such as awnings, chimneys, and towers. She also thought the district renaming could be fast-tracked.

Council President Pro Tem Crampton thanked the staff and the Planning and Zoning Commission for the way they are approaching the zoning review. He also noted that he would be willing to consider a zoning board of appeals.

Council Member Moran supported Mayor Moore's suggestion to implement the easy changes in the next few months.

Council President Lindsay stated that, during her 10-year tenure, there had been many

attempts at Code changes, but this time it seemed to be heading in the right direction.

Council Member Araskog asked if there was any way to require that seawalls match adjacent seawalls. Mr. Bergman stated that wall permits are reviewed and regulated by the Florida Department of Environmental Protection, and one reason there are so many variances for more than 12 inches or beyond the bulk headline is that DEP requires them. She agreed with moving the easy changes through quickly.

Council President Lindsay called for public comment.

Ellen Howe, 2295 S. Ocean Blvd., asked about the meeting the Citizens' Association was going to hold on the South End and whether it would be open to the public. Jennifer Hoffmeister responded that the meeting would be held next Wednesday, February 18, 2026.

*\*Note: A short break was taken at 10:55 a.m., and the meeting resumed at 11:05 a.m.*

4. **13-2026** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 230 Chilean Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Council Member Cooney disclosed ex parte communications.

Council President Lindsay asked for proof of publication, which Friederike Mittner provided. Ms. Mittner also mentioned that the owner philosophically opposes the designation but wants to reserve their rights; they are not seeking representation.

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

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

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

Council Member Cooney was delighted to see the home studied.

Council Member Araskog agreed with Council Member Cooney.

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 13-2026, designating the property at 230 Chilean Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1 and 3 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.**

5. **15-2026** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 234 Chilean Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Council Member Cooney disclosed ex parte communications.

Council President Lindsay asked for proof of publication, which Friederike Mittner provided. Ms. Mittner also mentioned that the owner supported the designation.

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

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

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

Council Member Cooney was grateful to the property owner for supporting the designation.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 15-2026, designating the property at 234 Chilean Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1 and 3 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.**

6. **17-2026** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 410 Seabreeze Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Council Member Cooney and Council President Pro Tem Crampton disclosed ex parte communications.

Council President Lindsay asked for proof of publication, which Friederike Mittner provided. Ms. Mittner said that staff had not heard back from the owner but that, through some representatives, they know she is aware of the process.

Janet Murphy of MurphyStillings presented background information on the project and

historical details about the property. She outlined how the property met the criteria for Landmark Designation, specifically Criteria 1, 3, and 4.

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

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

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 17-2026, designating the property at 410 Seabreeze Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.**

7. **16-2026** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 345 Seabreeze Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. ***This Landmark Designation hearing shall be deferred to the March 4, 2026, Town Council meeting, at the request of the homeowner.***

***\*Note: This item was deferred to the meeting on March 4, 2026, at the Approval of the Agenda.***

## **UNFINISHED BUSINESS**

8. ZON-25-0044 (ARC-25-0041) 337 BRAZILIAN AVE (COMBO) – VARIANCES The applicant, FRIESE FAMILY TRUST (Paul Friese, Trustee), has filed an application requesting Town Council review and approval of three (3) variances related to redevelopment of an existing nonconforming residential parcel including (1) a variance for existing nonconforming lot width, (2) a variance for existing nonconforming lot area, and (3) a variance to exceed the maximum amount of grade fill permitted within setback areas. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Review Commission approved this project. Carried 7-0.] [Variances 1 and 2 were approved; Variance #3 was deferred to January 14, 2026, Town Council meeting.]*

Council Member Cooney and Council President Pro Tem Crampton disclosed ex parte communications.

Mr. Murphy provided staff comments on the project.

Attorney Maura Ziska, on behalf of the owners, discussed the request and the basis for the



hardship.

Council Member Moran asked what would happen to the easement in the future. Mr. Murphy responded.

Council Member Araskog asked Ms. Ziska about the hardship, and she provided an explanation.

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

Council Member Cooney complimented Raphael Saladrigas on the design.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-25-0044, 337 Brazilian Avenue shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 5-0.**

9. ZON-25-0067 (COA-25-0030) 801 S COUNTY RD (COMBO) - VARIANCE The applicant, LaBerge & Menard Inc., has filed an application requesting Town Council review and approval for one (1) variance to permit an additional guest house containing bedrooms with bath facilities on the landmarked property. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 5-2.] [The Landmark Preservation Commission approved this project with the landscape and hardscape to return for further review. Carried 5-2.]*

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

Mr. Murphy provided staff comments on the project.

Council Member Araskog asked whether staff supported the variance. Mr. Murphy responded.

Council President Pro Tem Crampton asked if the structure existed but was being expanded. Mr. Murphy confirmed.

Attorney Maura Ziska, on behalf of the owners, discussed the request and explained the hardship. Daniel Menard of LaBerge and Menard discussed the hardship of the request and the reasons he did not want to add onto the original Fatio guest house.

Council Member Araskog thought the changes were beautiful but questioned the legal hardship.

Council Member Moran noted that the property is large enough to accommodate two guest houses. She was inclined to approve it, but to fix the code.

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

**A motion was made by Council Member Moran and seconded by Council President Pro Tem**

Crampton that Variance No. ZON-25-0067, 801 S. County Road, shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 3-2, with Council Members Cooney and Araskog dissenting.

**10. ZON-23-020 (COA-23-003) 139 N COUNTY RD. - THE PARAMOUNT THEATER -  
Review and Finalize the Draft Declaration of Use Agreement  
TIME CERTAIN: 2:00 PM**

Several members disclosed ex parte communications.

Attorney O'Connor advised the Council that a revised Declaration of Use for The Paramount had been placed in their blue folders and highlighted three key updates, which included: 1) Parking Restrictions; 2) Church Use; and 3) Remedies for Violations. She noted that the remedies language was consistent with the version discussed earlier during the Elefante item.

Attorney Jamie Crowley reviewed the proposed Declaration of Use Agreement with the Town Council Members. He noted that he had tried to include information in the document based on the last discussion.

Council Member Araskog noted that all three (club, church, and café) needed to be reviewed together and asked about the club hours. She also noted that the Town Council had said that nothing would ever overlap, even though the café and the club overlap on Saturdays and Sundays. Mr. Crowley responded that the church and the club would not overlap, as discussed last month. *\*Note: A short break was taken at 3:52 p.m., and the meeting resumed at 3:57 p.m.*

Council President Lindsay did not understand the need for late hours. She discussed other clubs and their typical hours of operation, noting that the Sailfish Club and the Palm Beach Yacht Club are usually open only during regular dinner hours, often closing by 10:00 p.m.

Council Member Araskog felt that, given the number of neighbors, she would prefer 12:00 to 11:00 on weekends and 6:00 to 11:00 during the week. Other council members agreed, and it was noted that every night of the week would end at 11:00 p.m. Council Member Araskog noted that although non-amplified outdoor music had been discussed, the Declaration should clarify that there would be no dance floor or amplified live music. Live music inside would be limited to a maximum of three musicians. She also confirmed that balconies would not be used for club activities, consistent with prior approvals. She opposed any outdoor music.

Mr. Crowley responded that a prior noise attenuation test had been conducted during earlier approvals for courtyard events. During testing, music was played at maximum volume, lower than the proposed levels for live instruments, and the results showed no violation of the Town's noise ordinance. He stated that the courtyard's enclosed design significantly limits sound transmission, and he disagreed that additional restrictions were necessary.

Town Council members discussed the maximum club occupancy and preferred keeping the total maximum at 210, including employees.

There was discussion regarding vehicle pick-up and drop-off of club members, guests, and employees, arriving in private vehicles, car services, or taxis, and this section of the document

will be further modified. Deliveries to the café were also discussed, with times set to reduce disruption to neighboring residents.

Council Member Araskog expressed concern about employees and club members loitering on the grounds. Mr. Crowley suggested approaching it through the handbook.

Council President Pro Tem Crampton suggested including the community in updates on construction progress.

Council Member Moran suggested adding language to the Declaration of Use, similar to that in Elephante, to address building maintenance, and Mr. Crowley agreed to add the language.

Council President Pro Tem Crampton felt the exit from the parking lot onto the sidewalk and street presented a safety hazard. Mr. Crowley said that a gate would be installed on Sunrise, adding another layer of safety.

Mr. Bergman sought clarification regarding the prohibition on the club seeking revisions to the Declaration of Use for two years. It was clarified that the second return would be after two full seasons.

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

The following people asked questions about the Declaration of Use and expressed concerns:

Jamie Banks, PhD, on behalf of Ms. Elaine Bedell and Ms. Cindy Cirlin, provided a statement focused on noise concerns.

Vincent Cloud, 146 Sunset Avenue, is concerned about noise and congestion along Sunset Avenue.

John Eubanks, Attorney on behalf of adjacent condominium owners, expressed concerns about future developments, retail uses, parking, and the project's impact on residents.

Staci Barber, 100 Sunrise Avenue, expressed concern about retail, along with the other multiple uses, as well as the loading zone, which she felt presented hazardous conditions.

Rick Smith, 130 Sunrise Avenue, felt this project may negatively impact property values, parking, and congestion.

Elaine Bedell, 130 Sunrise Avenue, asked whether the Declaration of Use would cover the residents. Attorney O'Connor said no, and she explained the Declaration of Use.

Bob Grinberg, 130 Sunrise Avenue, expressed concern about the driveway in the rear of Paramount. He asked about the noise that will impact the Sun and Surf Condominiums.

Rob Spatt, 150 N. Ocean Blvd., expressed concern about the issues raised during the discussion. He stated that he was not happy about the approval.

Carlos Cobo, 130 Sunrise Avenue, expressed concerns and discussed his attempts to contact the project developer.

Anita Seltzer, 44 Cocanut Row, spoke about the future and the present. She questioned whether neighborhoods were being protected through the Declaration of Use agreements. She explained her thoughts and concerns about the project.

Council Member Araskog requested that language be added to the agreement regarding the removal of irreparable harm, as contained in the injunction language. Attorney O'Connor said it could be added, but the fact that it is not in the agreement does not mean that the Town is not protected by the law as a municipality. She commented on some of the public's issues.

Jerry Zaro, 100 Sunrise Avenue, asked about the unintended consequence of using the club and the residence at the same time. He wondered whether club attendance could be reduced or whether the club could be closed on evenings when the resident is entertaining. Attorney O'Connor noted it would be complicated, and Mr. Crowley responded that they had tried to prohibit the club activity from occurring above the first floor.

Mr. Bergman noted that the project, as it is presented today, is a de-intensification from when it was initially presented and from what the building can be used for today. The second and third floors, which are currently commercial and office spaces, are being converted to residential use.

**A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to defer the declaration of use to the March 4, 2026, meeting to allow the attorney to present a clean copy of the agreement with all the agreed-upon changes to be included. The motion was carried unanimously, 5-0.**

**11. ZON-25-0083 (COA-25-0034) 207 ROYAL POINCIANA WAY AND 208-10 SUNSET AVE - Review and Finalize the Draft Declaration of Use Agreement for the Restaurant 'Elephante'**

Council President Pro Tem Crampton disclosed ex parte communications.

Town Attorney Joanne O'Connor stated that one change had been made to the declaration of use agreement provided to the Town Council.

Attorney Jamie Crowley, representing The Breakers and the operator, reviewed the changes based on last month's discussion.

Council Member Araskog preferred Friday and Saturday hours until midnight. Council Members Cooney and Moran thought it should include Thursday, as they felt that it was part of the weekend for visitors.

Council President Lindsay asked if it was similar to Le Bilboquet Market. Mr. Crowley responded that it was more of a grab-and-go with coffee and premade items.

Mayor Moore supported the request and stated that she would be happy to have another coffee shop in the area.

Council Member Cooney asked about the valet plan, and Mr. Crowley said he had information to present. The question was raised about where employees would park valet vehicles. Mr. Bergman stated that item 9 indicated employees would park off-island.

Mr. Crowley stated that valet parking would be available from 6:00 p.m. to closing, as required. He said if overflow was necessary, the vehicles could be taken underground to the garage or to one of the other breaker sites that have been studied.

Brian Kelly, Simmons, and White reviewed the proposed circulation plan, noting that it was also included in the traffic study backup. He stated that if on-street parking was limited, valet drivers could also use off-site parking at The Breakers properties, where parking counts confirmed availability in several lots during weekdays and weekends. The Town Council thought that language should be included in the document.

Council Member Moran asked why the parking lot behind the post office owned by The Breakers was not being used. Mr. Crowley said there will be a new application for that building, which is a retail store that will close at night. Council Member Moran asked if it was possible to move forward today without a parking plan. Mr. Crowley noted that the parking had been explained last time.

Council President Pro Tem Crampton agreed that additional detail was needed.

Mr. Crowley explained that the 284 seats were grandfathered and that the required parking was satisfied under the Code, as the spaces had historically existed. They stated they were exceeding minimum requirements and requested flexibility, asserting that sufficient parking was generally available on Royal Poinciana Way during both daytime and evening hours.

They referenced underground parking at Via Flagler, additional parking areas near "the Hill" (used by The Breakers staff), and the Post Office property, noting that parking counts showed availability, particularly at night.

The applicant emphasized that, through the Code's principal-use equivalency provision and prior business tax receipt history, they met the parking requirements. While willing to include language in a declaration of use committing to utilize Breakers lots in the event of valet overflow, they preferred not to be strictly limited, as parking operations were fluid and managed dynamically.

Council member Cooney agreed that centralized parking management by The Breakers would be the most effective solution, but shared observations as a nearby resident. He noted that since the implementation of paid parking, daytime parking was generally available, while evenings, particularly Friday and Saturday, were often full to past midnight due to nearby restaurants. He also noted that some businesses were utilizing on-street valet parking rather than the available underground spaces, which contributed to traffic congestion. Council Member Cooney acknowledged that the

parking was public and not reserved for any one user but emphasized the importance of carefully considering circulation and valet operations, especially during peak evening hours.

Council Member Araskog stated that there are many restaurants, and it is important for residents to be able to park. Her concern was where everyone would park, particularly if on-street spaces were full.

Council President Lindsay said the Breakers owns a lot of parking in the area and should utilize it. She noted that the Breakers have always been good neighbors.

Council Member Moran did not think that Mr. Crowley had to provide parking because he gets it under the principle of equivalency. She felt that he was offering something that no other applicant could offer because the Breakers owns the property.

Mayor Moore said the Town Council wants the restaurant to succeed, and she pointed out other restaurants in the area that are in complete violation of their valet parking plans. She wondered if the Town Council was overly penalizing this applicant when others were not in compliance. She noted that the Breakers does not control all the parking on the street.

Attorney O'Connor advised that the language on Page six, paragraph 16, states that the restaurant shall return after six months of operation to review the list of conditions and compliance.

Council Member Araskog suggested that deliveries to the restaurant market should be between 10:00 a.m. and 2:00 p.m. or after 5:00 p.m., in season. Council Member Cooney did not think this would be feasible. This was added to the conditions to be reviewed.

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

**A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the Declaration of Use Agreement between Elephante Palm Beach, LLC, Flagler Systems Inc. and the Town of Palm Beach with the following conditions: the applicant will return after six months of operations for a review, the Town Council reserves the right to modify valet operations, including where cars are parked during the review, or if issues arise or upon a verified complaint, deliveries must occur before 10 a.m., the restriction on parking along Royal Poinciana Way in paragraph 7 will be removed and trash compliance will be coordinated with Public Works to ensure completion as late as possible before pickup. The motion was carried unanimously, 5-0.**

*\*Note: The meeting was recessed for lunch at 12:35 p.m. and resumed at 1:25 p.m.*

12. ZON-24-0055 (COA-24-0022) 120-132 N County Road - Palm Beach Synagogue - Review of Draft Declaration of Use Agreement  
*This item shall be deferred to the April 15, 2026, Town Council meeting, at the request of the applicant.*

***\*Note: This item was deferred to the meeting on April 15, 2026, at the Approval of the Agenda.***

13. ZON-25-0049 (ARC-25-0050) 180 ROYAL PALM WAY, 301-309 S COUNTY RD AND 155-7 BRAZILIAN AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, FG Palm Beach Fund LLC and EYE MAN Limited Partnership & TAU Mid Partnership LLP, has filed an application requesting Town Council review and approval for a Special Exception for two-story buildings in the C-TS zoning district, site plan review for the construction of new mixed use buildings with ground floor parking and second floor residences and the conversion of two floors of office use into residential use, and three (3) variances, (1) to reduce the required minimum drive aisle width, (2) to exceed the maximum building length and (3) to exceed the maximum allowable floor area of 15,000 SF. The Architectural Commission will perform design review of the application. *This project shall be deferred to the March 4, 2026, Town Council meeting, at the applicant's request.*

***\*Note: This item was deferred to the meeting on March 4, 2026, at the Approval of the Agenda.***

14. ZON-25-0054 (ARC-25-0058) 1960 S OCEAN BLVD. (COMBO) – SPECIAL EXCEPTION & VARIANCE(S) The application, Stephen A. Wynn Florida Revocable Trust (Stephen A. Wynn, Trustee), has filed an application requesting Town Council review and approval for a special exception and two (2) setback variances as they relate to the construction of a new beach cabana structure on the oceanside parcel of an existing residential estate. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the April 15, 2026, Town Council meeting, pending architectural design review.*

***\*Note: This item was deferred to the meeting on April 15, 2026, at the Approval of the Agenda.***

15. ZON-25-0066 (ARC-25-0076) 3031 S OCEAN BLVD (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, PB3031 LLC, has filed an application requesting town council approval of sixteen (16) variances including 1) For reduced lot width on a nonconforming parcel of land, 2) to exceed the maximum lot coverage for a five-story building, 3-6) to reduce the required front, both sides and rear setback, 7-8) to exceed the maximum height and overall height for a five-story building, 9) to reduce the amount of landscape open space, 10) to reduce the required setbacks for swimming pools, 11) to exceed the amount of mechanical equipment permitted within required yards, 12) to exceed the maximum building length, 13) to reduce the amount of common recreational open space, 14) to reduce the required bulkhead setback, 15) to exceed the maximum amount of fill, and 16) to reduce the required drive aisle width. And a Special Exception request for the construction of a five-story residential redevelopment of an existing nonconforming parcel of land to replace an existing two-story building in the R-D-(1) zoning district. Town Council shall review the application as it pertains to zoning relief/approval. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the March 4, 2026, Town Council meeting, pending architectural review.*

***\*Note: This item was deferred to the meeting on March 4, 2026, at the Approval of the Agenda.***

16. ZON-25-0068 (ARC-25-0075) 160 BARTON AVE (COMBO) - VARIANCE The applicant, Madeleine Parker (HCA Architecture, Representative), has filed an application requesting Town Council review and approval for one (1) variance to construction a second-floor addition within the two-story west side-yard setback. The Architectural Commission shall perform design review of the application. *This project has been withdrawn by the applicant.*

***\*Note: This item was withdrawn at the Approval of the Agenda.***

17. ZON-25-0076 1768 S OCEAN BLVD—SITE PLAN REVIEW AND VARIANCES The property owners, Four Winds Estates LLC (Maura Ziska, Representative), have filed an application requesting Town Council review and approval to replace an existing 125KW generator with a new 125KW generator requiring Site Plan Review and three (3) Variances to 1) reduce the minimum side (north) yard setback, 2) allow the generator to not be housed in an enclosed building, and 3) allow the generator to not be fully screened from the neighboring property by a concrete block wall for the landmarked property. *This project shall be deferred to the March 4, 2026, Town Council meeting, at the applicant's request.*

***\*Note: This item was deferred to the meeting on March 4, 2026, at the Approval of the Agenda.***

18. ZON-25-0082 (ARCS-25-0937) 241 EL DORADO LN (COMBO) - VARIANCE(S) The applicant, Desmond & Cristina Keogh (Paradelo Burgess Design Studio), has filed an application requesting Town Council review and approval of two (2) variances related to installation of artificial turf, including 1) a variance for deficient landscape open space and 2) deficient required front yard landscape open space. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the March 4, Town Council meeting, pending architectural design review.*

***\*Note: This item was deferred to the meeting on March 4, 2026, at the Approval of the Agenda.***

19. ZON-25-0084 548 N COUNTY RD - SPECIAL EXCEPTION The applicants, Nelson and Claudia Peltz (Maura Ziska Representative), have filed an application requesting Town Council review and approval for a Special Exception for the construction of a padel court in the R-AA zoning district.

***\*Note: This item was withdrawn at the Approval of the Agenda.***

## **NEW BUSINESS**

20. ZON-25-0086 (COA-25-0035) 860 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION AND VARIANCE. The applicant, Janet S. Cafaro Trust (M. Timothy Hanlon, Representative), has filed an application requesting Town Council review and approval for a special exception for the construction of a new one-story beach cabana on the beach parcel and a variance to exceed the maximum permitted retaining wall height on the beach parcel of the landmarked property. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmark*



*Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 6-0.] [The Landmark Preservation Commission approved this project as presented. Carried 5-2.]*

Council Member Cooney and Council President Pro Tem Crampton disclosed ex parte communications.

Mr. Murphy provided staff comments on the project.

Mayor Moore thought the application addressed a resilience issue.

Council Member Moran thanked Mr. Murphy for his clear drawings.

Council President Pro Tem Crampton asked about the approval; Mr. Murphy responded.

Jacqueline Albarran of SKA Architect + Planner provided a further explanation of the request.

Council Member Araskog arrived at 1:36 p.m. She asked about the wall height and was told that the ocean vista would remain unchanged. Ms. Albarran replied with the height and stated the vista would remain as it existed.

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception No. ZON-25-0086, 860 S. Ocean Blvd. shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried 5-0.**

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0086, 860 S. Ocean Blvd. shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met.**

Council Member Araskog asked about the hardship.

**The motion was carried 5-0.**

- 21. ZON-25-0088 (ARC-25-0092) 140 BRAZILIAN AVE (COMBO) -VARIANCE.** The applicant, Thomas O McCarthy (Smith and Moore Architects Inc.), has filed an application requesting Town Council review and approval of modifications to an existing residence with new roof and (1) variance to exceed allowable Cubic Content Ratio. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*

Council President Pro Tem Crampton disclosed ex parte communications.

Mr. Murphy provided staff comments on the project.

Council Member Araskog asked about the hardship for the variance. Attorney Maura Ziska discussed the hardship of supporting the request.

Council Member Moran asked staff if the change was coming to FAR. Mr. Murphy responded that, in the commercial districts incorporated into the zoning code changes, FAR is used to measure the intensity of commercial development. R-B zoning district is the sole district that has CCR.

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

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0088, 140 Brazilian Avenue shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 4-1, with Council Member Araskog dissenting.**

**A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to amend the agenda by moving the first and second reading of the ordinances to be heard prior to the 2 p.m. time certain. The motion was carried unanimously, 5-0.**

22. ZON-25-0091 (ARC-25-0102) 151 WORTH AVE (COMBO)—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCES. The applicant, 151 Worth Avenue Owner LLC, has filed an application requesting Town Council review and approval for (1) a Special Exception for a restaurant use, (2) a Special Exception for outdoor café seating in association with a restaurant use and (3) a Special Exception for shared parking between the restaurant and retail uses, site plan review and two (2) Variances (1) to permit tandem (stacked) parking in the valet-only parking garage, and (2) to eliminate an existing on-site loading space, in association with alterations to existing the former Neiman Marcus three-story building in the C-WA zoning district. The Architectural Commission shall perform design review of the application.

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

Mr. Murphy provided staff comments on the project.

Council Member Moran asked about the loading space standard ratio, and Mr. Murphy said they were granted a variance for three. Eric Czerniejewski of the Corradino Group thought it was sufficient, though it would need to be restricted to certain hours to avoid disrupting a very prominent corridor while remaining operationally sufficient.

Council President Pro Tem Crampton asked about shared and tandem parking. Mr. Murphy explained that all valet garages use tandem parking.

Attorney Jamie Crowley, on behalf of the applicant, introduced the project team, and he discussed the project, talking specifically about the loading bay.

Tyler Tanenbaum, the applicant, discussed the project's details. He noted that the restaurant would be vital to make the project work.

Kyle Fant of Bartholemew + Partners, shared what would be presented to ARCOM. He showed images of how the project would look, including landscaping elements.

Council Member Araskog asked for a recommendation from the Architectural Commission before allowing seating and parking.

Council Member Moran asked if the applicant would charge for parking. Mr. Crowley said that is the plan. Council Member Moran expressed concern about reducing the loading bays to one.

Council President Pro Tem Crampton loved the project. He suggested that the applicant consider the number of seats in case the Town Council asked them to reduce the number.

*Please note: Mayor Moore left the meeting at 5:19 p.m.*

Council President Lindsay called for public comment.

Anita Seltzer, 44 Cocoanut Row, urged the Town Council to consider shared parking for the Paramount, which will return in March, and asked whether a variance would be required.

Mr. Murphy noted that the prior project included 48,000 square feet of retail space, which required three loading spaces under the code, as properties between 40,001 and 60,000 square feet must provide three loading berths. The current proposal reduced the total gross leasable area to approximately 30,000 square feet, including the restaurant. Under the code, properties between 25,001 and 40,000 square feet only require two loading spaces.

Council Member Araskog wondered if the details would be outlined in the declaration of use agreement. Mr. Crowley stated that they were asking for the maximum number of seats.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception and Site Plan Review No. ZON-25-0091, 151 Worth Avenue meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329, have been met, with the conditions of a mutually agreed upon declaration of use agreement and that the Peruvian parcel remains green space. The motion was carried 5-0.**

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0091, 151 Worth Avenue shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7. The motion was carried 5-0.**

## **ORDINANCES**

### **23. FIRST READING**

**23.1 3-2026** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Section 134-2,

Definitions And Rules Of Construction; Section 134-1608 To Amend Basement Regulations To Recognize Flood Vents And Other Basement Wall Penetrations; Providing for Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Mr. Bergman read Ordinance 003-2026 by title only.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog to approve Ordinance 003-2026, on first reading. The motion was carried unanimously, 5-0.**

**23.2 4-2026** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI - District Regulations, Division 4 - R-B Low Density Residential District, Section 134-893, Lot, Yard And Area Requirements - Generally, Subsections (B)(5) Front Yard And (B)(9) Rear Yard, Thereby Adding Criteria For The Granting Of Reduced Front Yard Setbacks In The R-B Low Density Residential District; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Mr. Bergman read Ordinance 004-2026 by title only.

**A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Ordinance 004-2026, on first reading, with the change that will allow both floors to move forward in the same plane as a design waiver. The motion was carried unanimously, 5-0.**

## **24. SECOND READING**

**24.1 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.

Mr. Bergman read Ordinance 034-2025 by title only.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance 034-2025, on second reading. The motion was carried unanimously, 5-0.**

**24.2 35-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning At Article VI, District Regulations, Division 1. Generally, By Amending Section 134-751 To Change R-D(1) From Moderate Residential To High-Density Residential, To Change C-B From Commercial Office To Commercial Business, To Add The Common Names

To Pud-A, Pud-B, And Pud-C, To Add A New Pr Parks And Recreation District, And To Add A New PF Public Facilities District; At Article VI, District Regulations, Division 1. Generally, By Amending Section 134-752, Zoning Map, To Change From The 1974 Official Zoning Map To The 2024 Official Zoning Map; At Article VI, District Regulations, Division 1. Generally, By Amending Section 134-755 To Change The Acreage Definition From 40,000 Square Feet To 43,560 Square Feet; At Article VI, District Regulations, Division 2. R-Aa Large Estate Residential District By Amending Section 134-786, Division 3. R-A Estate Residential District By Amending Section 134-836, At Division 4. R-B Low Density Residential District By Amending Section 134-886, At Division 5. R-C Medium Density Residential District By Amending Section 134-941, At Division 6. R-D(1) High Density Residential District By Amending Section 134-996, At Division 7. R-D(2) High Density Residential District By Amending Section 134-1051, At Division 8. C-TS Town-Serving Commercial District By Amending Section 134-1106, At Division 9. C-WA Worth Avenue District, By Amending Section 134-1156, At Division 10. C-OPI Office, Professional And Institutional, By Amending Section 134-1206, At Division 11. C-PC Planned Center District, By Amending Section 134-1256, At Division 12. C-B Commercial Business, By Amending Section 134-1301, At Division 13. Conservation District, By Amending Section 134-1351, At Division 15. Beach Area, By Amending Section 134-1471, And At Division 16.- CI Cultural Institution District By Amending Section 134-1482 To Add To The Purpose Of The District Regulations For Each Zoning District The Implementation Of The Corresponding Town Of Palm Beach Comprehensive Plan Future Land Use Designations; At Article VI, District Regulations, Division 1 Generally, At Division 2. R-AA Large Estate Residential District By Amending Section 134-790, At Article VI, District Regulations, Division 3. R-A Estate Residential District By Amending Section 134-840, At Article VI, District Regulations, Division 4. R-B Low Density Residential District By Amending Section 134-890, At Article VI, District Regulations, Division 5. R-C Medium Density Residential District By Amending Section 134-945, At Article VI, District Regulations, Division 6. R-D(1) High-Density Residential District By Amending Section 134-1000, And At Article VI, District Regulations, Division 7. R-D(2) High-Density Residential District By Amending Section 134-1055 To Add Approved To Planned Unit Development And Add Cabana To Beach Houses; At Article VI, District Regulations, Division 6. R-D(1) To Moderate Density Residential District By Amending The Division Title From Moderate Density Residential District To R-D(1) High-Density Residential District, By Amending Section 134-996, Section 134-997, Section 134-998, Section 134-999, Section 134-1000, Section 134-1001, Section 134-1002, Section 134-1003, Section 134-1004, Section 134-1005, Section 134-1006, Section 134-1007, Section 134-1008, Section 134-1009, Section 134-1010, Section 134-1011, Section 134-1012, And Section 134-1014 Amending The Division Title From R-D(1) Moderate Density Residential District To R-D(1) High Density Residential District; At Article VI, District Regulations, Division 12. C-B Commercial District By Amending The Division Title To Read C-B Commercial Business District, By Amending Section 134-1301, Section 134-1302, Section 134-1303, Section 134-1304, Section 134-1306, Section 134-1307, Section 134-1308, Section 134-1309, Section 134-1310, Section 134-1311, Section 134-1312, Section

134-1313, Section 134-1315, And Section 134-1316 To Change From C-B Commercial District To C-B Commercial Business District; At Article VI, District Regulations, At Article VI, District Regulations, Division 8. C-TS Town-Serving Commercial District By Amending Section 134-1106, And Section 134-1107, Section 134-1109, At Article VI, District Regulations, Division 9. C-WA Worth Avenue Commercial District By Amending Section 134-1156 And Section 134-1157, At Article VI, District Regulations, Division 11. C-PC Planned Center District By Amending Section 134-1256, Section 134-1257 And Section 134-1259 To Convert From Gross Leasable Area (GLA) To Gross Floor Area (GFA); At Article VI, District Regulations, Division 8. C-TS Town Serving Commercial District, Section 134-1107, Division 9. C-WA Worth Avenue District, Section 134-1157 And Division 10. C-OPO Office, Professional And Institutional District, Section 134-1207 To Remove The Clause Related To Supplemental Off-Site Shared Parking That Sunsetted On March 13, 2024; At Article VI, District Regulations, Division 14. PUD Planned Unit Development District To Remove It In Its Entirety And Replace With A New Section 134-1391; At Article VI, District Regulations, Division 15. Beach Area By Replacing Structure Or Beach Building, Beach Houses, And Beach House Buildings With Beach Cabana House In Section 134-1473, Section 134-1474, Section 134-1475, And Section 134-1476; At Article VI, District Regulations To Add A New Division 17. PR Parks And Recreation District, Including New Sections 1501 Through 1505 and To Add A New Division 18. PF Public Facilities District Sections 1511 Through 1513; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance 035-2025 by title only.

Council President Lindsay called for public comment.

Attorney Jamie Crowley asked about what would happen when the PUD is no longer in effect for the Breakers. Attorney O'Connor said it would still exist; it would just have a shorthand name.

**A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adopt Ordinance 035-2025, on second reading. The motion was carried unanimously, 5-0.**

#### **ANY OTHER BUSINESS**

25. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 980 S Ocean Blvd.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request and provided recommendations. Mr. Bergman stated that the representative had to leave the building.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to defer the building permit extension for 980 S. Ocean Blvd. for 30 days. The motion was carried unanimously, 5-0.**

26. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 428 Seabreeze Ave.

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

Roy Dunsworth of Dunsworth Construction stated that it would take 1 year to finish the home.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to approve a six-month building permit extension for 428 Seabreeze Avenue. The motion was carried unanimously, 5-0.**

27. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 336 Australian Ave. W.

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

Mark Mutchnik of MCG Construction Group stated that his firm had taken over the project and that some life-safety issues exist in the structure. He said the entire building would have to be gutted to address the issues. Matt Hendrix of MCG Construction Group reiterated the purpose of the waiver request.

*Please note: Council Member Moran left the meeting at 6:25 p.m.*

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve a building permit extension for 336 Australian Avenue W for 365 days. The motion was carried unanimously, 5-0.**

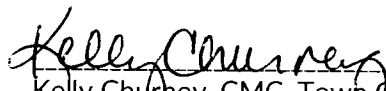
#### ADJOURNMENT

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the meeting at 06:26 PM. The motion was carried unanimously, 4-0.**

APPROVED:

  
Bobbie D. Lindsay, Town Council President

APPROVED:

  
Kelly Churhey, CMC, Town Clerk  
Date: 4/14/26

