



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on April 7, 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, Matthew Ailey, Victoria Donaldson, Anne Fairfax

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

PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon delivered the invocation, and Chair Coniglio led the Pledge of Allegiance.

ELECTION OF CHAIR AND VICE CHAIR

A motion was made by Mr. Klein and seconded by Ms. Beuttenmuller to elect Gail Coniglio as the Chair. The motion was carried unanimously, 7-0.

A motion was made by Mr. Klein and seconded by Ms. Beuttenmuller to elect William Gilbane as the Vice Chair. The motion was carried unanimously, 7-0.

MINUTES

1. Minutes of the February 3, 2026, Planning and Zoning Commission Meeting

Ms. Beuttenmuller pointed out some scrivener's errors, and these were amended.

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

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

Ms. Beuttenmuller referred to page 4, paragraph 2 of the Minutes and added "not" in the sentence "...but if they are destroyed or renovated beyond 50%, they would not have to be brought up to current standards."

A motion was made by Ms. Beuttenmuller and seconded by Ms. Coniglio to approve the minutes of the March 2, 2026, meeting as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

3. OFFICIALS

Mr. Sanchez explained that the current grading rule, which limits elevation changes between existing and finished grades to 50%, is well-intended but ineffective in practice. While he believes it was meant to reduce visibility between neighboring properties, he stated it does not achieve that goal and instead creates design challenges. Specifically, it forces excessive walking steps and uneven elevations, often resulting in sunken, less accessible gardens and complicated access to the home. He noted that privacy is better addressed through requiring hedges. He requested that the Commission consider revisiting the fill regulations in the near future.

Mr. Sanchez stated that this issue arose at the last Architectural Commission (ARCOM) meeting and led to concern. He explained that the current code effectively allows a neighbor to control another property owner's choice in landscape species, by requiring consent for hedge installation and wall construction, even when those improvements otherwise meet Town standards. He cited examples in which applicants were required to obtain neighbor approval, which created conflict between property owners and placed the Town at risk of legal action.

Mr. Sanchez noted that, based on discussions with attorneys, such provisions may be legally problematic and expose the Town to liability. He expressed concern that the code overreaches into private property rights and causes disputes between neighbors. He recommended that the Town either enforce clear, objective standards without requiring neighbor consent or remove those standards altogether, but not both. He urged that these issues be addressed promptly, noting his desire to see progress before the end of his term.

James Murphy, Assistant Director of Planning, Zoning, and Building, acknowledged the concerns raised by Mr. Sanchez. He stated that the Town has empowered neighbors. Noting that two elected officials were in attendance, he explained that the fill ordinance had recently been amended to correct a scrivener's error in the fill calculations, which had flipped the math equation. He stated that staff had engaged with elected officials regarding potential revisions to the fill requirements; however, there was no support for increasing the required rear-yard setbacks at this time. Mr. Murphy noted that, based on the formula, certain scenarios could result in substantial additional fill adjacent to neighboring properties, which raised concerns from the Town Council. As a result, Council directed staff not to pursue changes at this time, though the matter may be revisited in the future as part of broader resiliency efforts.

Mr. Murphy further explained that staff operate under a long-standing, Council-adopted review matrix that dictates the level of review required for various applications. In an effort to streamline smaller projects, such as walls and hedges, staff initially explored allowing such improvements by right; however, due to neighborhood concerns, Council did not support that approach. Instead, a "neighbor consent" category was established, allowing applicants to proceed without full board review if adjacent property owners provided consent. If consent was not obtained, the application would then proceed through the full review process, consistent with the matrix requirements, which include public notice. He emphasized that this approach was intended to streamline the process while remaining responsive to neighborhood concerns, rather than to create additional obstacles.

Mr. Sanchez felt that property owners should be able to install whatever type of hedge they desire on their property. He noted that the regulation was excessive and oppressive. He further stated that the subject part of the code should be reviewed for legality.

Mr. Murphy said the matrix had been modified over the years, but when he joined the Town of Palm Beach, landscaping modifications along property lines required ARCOM approval, and that remains the case.

Mr. Bergman, Director of Planning, Zoning and Building Dept., said that staff spends a significant amount of time addressing post-approval deviations from plans, particularly related to hedges, fences, walls, and mechanical equipment, rather than primary building design. He noted that final inspections frequently revealed inconsistencies with approved plans, resulting in extensive staff time being spent on enforcement and coordination with residents. Mr. Bergman indicated that these issues consumed substantial hours each week and often involved addressing concerns from neighbors regarding minor deviations. Mr. Bergman said that the Town's framework has empowered neighbors in these matters. He emphasized the importance of staff having a clear matrix or guiding document to determine when items require review by the Architectural Commission, while allowing minor, agreed-upon deviations to be approved administratively. Additionally, Mr. Bergman confirmed that prior discussions regarding fill regulations had been presented to the Town Council, and they showed no interest in pursuing changes at that time; however, the topic may be revisited as part of ongoing resiliency and code reform efforts. Mr. Sanchez noted that he was primarily talking about hedges, not mechanical equipment.

Mr. Gilbane added some concern about Mr. Sanchez's comments. He stated that the Planning and Zoning Commission and staff had successfully worked through the comprehensive plan, which provided confidence in advancing zoning code updates. However, he was concerned about turnover at the Commission level, noting that it could pose risks to maintaining continuity, pace, and institutional knowledge throughout the zoning code process. Mr. Gilbane recommended placing this item on a future agenda for discussion, subsequently seeking input from the Town Council.

Ms. LeCates wondered whether there was an appetite to address neighbors controlling the situation. Mr. Murphy stated that he had written two updates related to fill and front yard landscaping, adding that those would be presented to the Town Council for consideration as potential "quick fixes." These items stemmed from prior Commission discussion, including observations regarding required landscaping standards. Mr. Murphy noted that advancing these changes would require revisiting and modifying the existing review matrix. While acknowledging

that a full matrix update would be a substantial effort, he indicated that targeted adjustments may be appropriate for discussion and direction by the Council.

Attorney Peter Henn of Jones Foster presented an overview of the next phase of zoning code reform, noting a shift from prior "tranche" updates to a more comprehensive, process-oriented approach. He explained that upcoming efforts would focus on procedures governing the roles of the Town Council, the Planning and Zoning Commission, and other boards, including the handling of variances, special exceptions (proposed to be renamed conditional uses), and overall development review processes. He stated that while earlier efforts addressed incremental updates, the next phase would establish a broader procedural framework intended to reduce reliance on variances and improve consistency.

Chair Coniglio asked for clarification on whether the proposed procedural framework for zoning code reform was intended to be established at this stage of the process or developed as an ongoing component going forward.

Mr. Henn reiterated that there is no desire to eliminate the variance process, but to reduce the number of variance requests.

Ms. LeCates noted that, given the Town's age, nonconforming properties were inevitable and likely to persist, limiting the ability to significantly reduce variances. While some reduction in common nonconformities may be achievable, the speaker suggested that establishing a zoning board of adjustment to hear variance requests could help reduce the Town Council's burden.

Mr. Gilbane suggested obtaining input from staff and Peter Henn on whether variances should first be reviewed by the Planning and Zoning Commission to reduce the burden on the Town Council and support staff. Mr. Henn emphasized the need for clear processes, noting that most jurisdictions use a zoning board of adjustment to handle variances with appeal options. He suggested setting firm standards (e.g., FAR) that are not subject to variances and stated that the Town Council sets policy while commissions and staff implement them. He added that zoning code reform should better reflect the Town's historic character to reduce nonconformities and reliance on variances.

4. STAFF

No comments from staff.

5. PUBLIC - 3 MINUTE LIMIT

Anita Seltzer, 44 Cocoanut Row, commented that the March meeting minutes did not accurately reflect the intent of her prior remarks supporting the Commission's work. She provided a brief overview of the evolution of the Zoning Commission into the current Planning and Zoning Commission and noted that the Town Council now serves as the Local Planning Agency. While expressing appreciation for the Commission's ongoing work with staff, she questioned the extent of its current planning role and suggested the Commission's name may warrant reconsideration for clarity. Chair Coniglio responded that any such change would be under the purview of the Town Council.

Jennifer Hofmeister, Planner III, explained that this comment originated during the comprehensive plan review process and cited Code Section 2-333, confirming that the Planning

and Zoning Commission serves in an advisory role to the Town Council on planning and development matters.

Mr. Henn emphasized that the Planning and Zoning Commission effectively serves both planning and zoning functions and advised against restructuring, instead suggesting that the Commission could be further empowered, particularly in the absence of a separate Board of Adjustments. He noted that any such changes would ultimately be recommendations for the Town Council's consideration.

UNFINISHED BUSINESS

6. Zoning Code Items - Quick Fix #16 - #24

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

6.2 QUICK FIX #22: Guest Houses on Estate Properties

Abraham Fogel, Design and Preservation Planner, presented a brief introduction on the proposed amendment that would impact guest houses on large estate lots. He explained that the current code permits only one guest house, requiring a variance for additional units, even when no extra square footage or massing is added.

Mr. Fogel stated that staff had analyzed property data and identified approximately 106 large eligible lots (60,000+ square feet) across multiple zoning districts. The proposed amendment would allow an additional guest house by right on qualifying properties, while prohibiting concurrent variance requests for increased massing or setback encroachments. The amendment would apply to applicable residential districts to reduce the need for variances while maintaining existing development limits.

Chair Coniglio asked about the prospect of unintended consequences. Mr. Henn responded.

Mr. Ailey asked for clarification on the proposed language, questioning whether allowing an additional accessory building without a variance was sufficient or whether the provision should also address broader property modifications that may require other variances. He expressed concern regarding the scope and intent of the variance-avoidance provision.

Ms. Beuttenmuller questioned the enforcement procedure. Mr. Fogel explained that a "kitchen agreement" is required through the development review or permitting process to ensure guest houses are used only by family members, non-paying guests, or household staff. Mr. Fogel noted this agreement serves as an enforcement mechanism and would also apply to any additional guest house, while acknowledging concerns about ensuring ongoing compliance. There was further discussion that also addressed the size of lots and provisions in the proposed ordinance. Mr. Henn said this provision allows separation of the structures, and that was the direction that the Town Council wanted presented to the Planning and Zoning Commission for consideration.

Mr. Sanchez felt this provision was an improvement for the rest of the town architecturally, because instead of one massive structure, it could be divided into multiple structures.

A motion was made by Mr. Sanchez and seconded by Mr. Klein to approve the staff's

recommendation of quick fix #22 - Guest Houses on Estate Properties as presented. The motion was carried 5-2, with Ms. LeCates and Ms. Coniglio dissenting.

6.3 QUICK FIX #23: Tandem Parking

Mr. Murphy presented a revised proposal for tandem parking following the Commission's prior feedback. The amendment would limit tandem parking to valet-operated commercial parking garages, rather than allowing it broadly, and would shift the review process from a variance to a special exception, with site plan approval by the Town Council.

Additional safeguards were included, such as capping the number of tandem spaces and prohibiting their use to satisfy required parking minimums. Mr. Murphy noted that applicants would be required to submit operational, ADA compliance, valet parking plans for review. It was also noted that broader parking code updates are underway, with industry experts indicating that tandem parking is commonly permitted through standard zoning processes rather than variances.

Mr. Murphy explained the percentages of the parking requirements and how he arrived at 15% of total parking rather than a higher percentage. There was a discussion about increasing the tandem parking allowance to 20% of the total structure. It was noted that the parking garages are being exclusively operated by valets.

Ms. LeCates expressed concern that allowing tandem parking could increase development intensity and traffic, rather than discourage it. She cited a section of the comprehensive plan, noting policies that emphasize preventing overuse of infrastructure, protecting parking resources, preserving historic character, and maintaining property values. She felt this provision enabled more parking, allowing room for more people to come into town. She was opposed to tandem parking.

Ms. Hofmeister clarified that many older commercial properties lack adequate on-site parking due to their age and were historically approved with parking variances and off-site valet operations. She explained that the proposed tandem parking provision is intended as a mitigation strategy to accommodate existing on-site permitted uses, rather than to increase intensity, particularly for historically significant properties. Ms. Hofmeister also noted that the approach could help alleviate traffic impacts by reducing off-site parking demand.

A motion was made by Mr. Gilbane and seconded by Mr. Klein to accept the staff's recommendation of quick fix #23 - Tandem Parking with 15%.

Anita Seltzer, Coconut Row, wondered whether this quick fix was sufficient or whether a review of the parking space ratio needed for the town and various uses, especially in commercial areas, was warranted. She explained the intent of her suggestion. She asked the Planning and Zoning Commission to determine where the garages were located, what uses they were supporting, and the impact of uses above the garages. Lastly, she noted that an important consideration was whether changing the parking ratios was the best approach to providing relief.

Mr. Murphy reiterated that this would not increase the capacity of what can happen above ground. It would simply allow additional parking.

The motion failed 3-4, with Ms. Beuttenmuller, Ms. Chapman, Ms. LeCates, and Mr. Sanchez dissenting.

A motion was made by Mr. Gilbane and seconded by Mr. Klein to accept the staff's recommendation of quick fix #23 - Tandem Parking, with the percentage being changed from 15% to 20%. The motion was carried 6-1, with Ms. LeCates dissenting.

7. Amendments to the adopted 2024 Town of Palm Beach Comprehensive Plan:

- a. Amendments to the Data & Analysis and Goals, Objectives and Policies
 - Future Land Use Element
 - Historic Preservation Element
 - Infrastructure Element (Updated 2026 Water Supply Facilities Work Plan)
- b. Map Series
 - Future Land Use Map
 - Zoning Map
 - Archaeological Sites Map

Ms. Hofmeister presented amendments to the 2024 Comprehensive Plan following its recent adoption, focusing on updates to the Future Land Use, Historic Preservation, and Infrastructure Elements.

Key changes included aligning Future Land Use and Zoning Maps, adding a beach designation, updating residential definitions, eliminating new Planned Unit Developments, and establishing floor-area ratio (FAR) as the intensity standard for nonresidential uses. Policies were revised to remove duplicates, correct errors, and clarify the relationship between the comprehensive plan and land development regulations.

Ms. Hofmeister explained that Historic Preservation Element updates reflect an expanded archaeological zone and ongoing coordination with regulatory agencies, while the Infrastructure Element update incorporates a new 20-year Water Supply Facilities Plan consistent with the City of West Palm Beach's Water Supply Facilities Plan, as the City is the Town's water supplier.

Ms. Hofmeister noted that staff have proposed refinements to the definitions of "town resident" and "town-serving" uses, emphasizing consistency with the zoning code and flexibility to avoid future comprehensive plan amendments for minor regulatory changes.

Ms. Chapman expressed concern that the term "permanent" in the definition of Town Resident was too rigid and did not reflect practical circumstances. The Commissioner did not support alternative language, such as "continuing" or "intent to remain permanent," as there was much time and effort made to agree on the definition of Town Resident.

Mr. Gilbane was pleased with the progress.

The Commissioner urged that corresponding standards be prioritized and expedited as part of zoning code reform, noting concerns about the recent increase in chain establishments and their impacts.

Ms. Hofmeister continued the presentation, addressing the commissioners' comments. She noted that the entire town boundary is designated to exclude rights-of-way.

Ms. Hofmeister presented updates on the archaeologically sensitive zone, noting an expansion based on newly identified artifacts and human remains discovered during development review, with the exact locations withheld for protection.

Ms. Hofmeister outlined the next steps, including transmittal to the State for a 60-day review, followed by an adoption hearing. Upon adoption, staff will proceed with broader zoning and land development code reform efforts.

A motion was made by Mr. Gilbane and seconded by Mr. Klein to accept the staff's recommendation of the 2024 Comprehensive Plan and the draft Ordinances 012-2026 and 013-2026. The motion was carried unanimously, 7-0.

ANY OTHER BUSINESS

MEETING SCHEDULE

8. The next meeting is scheduled for May 5, 2026

ADJOURNMENT

A motion was made by Mr. Klein and seconded by Ms. Beuttenmuller to adjourn the meeting at 11:40 a.m. The motion was carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair