



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

JUNE 2, 2026

9:30 AM

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

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

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES

1. Minutes of the May 5, 2026, Planning and Zoning Commission Meeting

APPROVAL OF AGENDA

COMMENTS

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

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

GENERAL BUSINESS

5. Discussion of R-B Zoning District Review

UNFINISHED BUSINESS

6. Discussion of Commercial Districts Pertaining to Uses and Introduction of Criteria for Granting Conditional Uses (FKA Special Exception Uses)

7. Reinstatement Language Adopted In Ordinance No. 006-2025 Pertaining To Public and Private Schools and Correct Sentence in R-B Low Density Residential Regarding Pedestrian Access Tunnels

ANY OTHER BUSINESS

MEETING SCHEDULE

8. The next meeting is scheduled for July 7, 2026

ADJOURNMENT

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

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

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



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on May 5, 2026

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 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, Jennifer Hofmeister, Pat Gayle-Gordon

PLEDGE OF ALLEGIANCE

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

MINUTES

1. Minutes of the April 7, 2026, Planning and Zoning Commission meeting

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

COMMENTS

2. OFFICIALS

Chair Coniglio expressed her appreciation for Bob Garrison's service to the Town.

3. STAFF

There were no comments from the staff.

4. PUBLIC - 3 MINUTE LIMIT

There were no comments from the public.

UNFINISHED BUSINESS

5. Discussion on Commercial Districts

Jennifer Hofmeister, Planner III, gave a presentation regarding the Commercial Zoning District amendments. She explained the definition of "Town-Serving" and stated that the Garden Club had suggested a number of ideas to be implemented in the Commercial Zoning District.

Mr. Bergman requested that the commission allow Ms. Hofmeister to provide a broad overview presentation before questions were asked. He noted that the item involves a comprehensive review of the entire commercial district, including conditional and permitted uses, comprehensive plan changes, parking considerations, and other related matters. It is not a quick fix amendment or one of the tranches as have been previously presented. He noted that it would be helpful to allow Ms. Hofmeister to make the presentation to cover the major points first, with questions held until the conclusion due to the anticipated length and complexity of the discussion.

Ms. LeCates asked whether the State's requirement for establishing a Floor Area Ratio (FAR) standard was directly tied to the comprehensive plan goal of reducing development intensity. Ms. Hofmeister clarified that the requirement stems from a comprehensive plan policy adopted by the State in 2024 in response to comments in the ORC report. She explained that the requirement is intended to establish a measurable intensity standard for commercial development and is related to how the Town regulates commercial buildings and land use, rather than to reducing or increasing development intensity itself. Mr. LeCates concern was how to analyze intensity of use and distinguish between that and the FAR standard, which encompasses everything that exists in the town. Ms. Hofmeister explained.

Attorney Joanne O'Connor, further explained that one of the criteria for approval of a special exception is consistency with the comprehensive plan. She noted that while much attention has been placed on the comprehensive plan's reference to avoiding an increase in the "pattern of intensity of use," the plan contains multiple provisions that must be considered equally and not viewed in isolation. Ms. O'Connor agreed that the FAR discussion is separate from the comprehensive plan language regarding patterns of intensity of use, explaining that the FAR requirement pertains to the regulation of buildings and structures and is necessary to comply with the State mandate.

Chair Coniglio stated that the town has land development regulations that should be adhered to. It has been stated many times that the town code is not broken; it needs to be easier to read and organize, which is being done. She cautioned against approving requests that do not meet certain thresholds without appropriate justification. Discussion further focused on whether revised conditional use criteria could reduce the need for variances by establishing clearer benchmarks for approvals. Ms. Hofmeister explained that the intent is to codify measurable standards within the conditional use process, such as thresholds tied to gross floor area, parking demand, and traffic generation. She provided an example in which projects exceeding a specified traffic-impact threshold could be required to complete a full traffic study and to provide mitigation measures. Staff noted that current conditional use criteria are vague and often addressed through declaration of use agreements rather than clearly defined code standards. It was confirmed that revisions to the code are being developed in coordination with Jones Foster to place clearer burdens and standards on applicants, making the review process more objective and easier for boards and councils to evaluate. Concerns were also raised regarding whether parking and traffic

standards could be strengthened sufficiently to withstand challenge through competing engineering or traffic analyses.

Ms. Fairfax expressed concern about the potential unintended consequences of proposed commercial district regulations, particularly setback requirements, emphasizing the difficulty in evaluating their long-term impacts without further analysis or modeling. It was noted that many of the Town's most successful and walkable commercial areas are characterized by buildings located close to the street, creating active pedestrian environments rather than large setback areas with limited functional use. She requested additional analysis demonstrating how proposed standards would affect established commercial areas such as Worth Avenue and the Midtown Commercial District, particularly in cases where residential properties may later transition to commercial use. Concerns were raised that excessive setback requirements could alter the character and pedestrian orientation of these districts in undesirable ways.

Ms. Hofmeister directed the Commission to page 8 of 56 in the backup materials and explained that the table addressing lot, yard, and area requirements was intentionally included. She noted that the table references minimum side yard setbacks while recognizing that many existing buildings in the area are currently attached with no side setbacks between them. Ms. Hoffmeister further explained that the Worth Avenue design guidelines are identified as an important consideration in evaluating future development. She emphasized that the Town's comprehensive plan and commercial district regulations are intended to address not only commercial development itself, but also the relationship and compatibility between commercial properties and adjacent residential areas. Ms. Hofmeister said in the end, the town code is going to make sure that the town is not being more restrictive or burdensome so that it doesn't end up in a legal matter.

Mr. Klein commented that the staff has done yeoman's work on these amendments. He asked if one of the goals was to try to eliminate the concept of a declaration of use, and he also asked if the information that would typically be included in a declaration of use would be included in conditional use requirements. Ms. Hofmeister said that it is not being proposed at this time, but given some of the past projects, staff is looking at the town's procedures.

Mr. Sanchez commended the staff for the great work done on the code thus far. He agreed with Ms. Fairfax and stated that the Garden Club made a good point that the small businesses that are truly town serving, are almost completely gone. He mentioned the price of rentals being very high, making it difficult for small business owners. He suggested building up on the streets and cited some of the beautiful areas in the town.

Mr. Gilbane expressed support for the proposed code revisions, describing them as meaningful progress toward a broader framework for evaluating commercial development and adaptive reuse. He emphasized the need to prioritize long-term policy objectives and develop clearer standards for evaluating the intensity of uses, rather than focusing solely on individual dimensional requirements such as setbacks. Mr. Gilbane suggested that the Town establish objective criteria within the code to determine whether proposed adaptive reuses are more or less intensive than existing uses and whether they better serve residents. He further stated that Town Council should have stronger tools to negotiate and permanently limit future development or use rights when granting conditional uses, rather than relying heavily on declarations of use, which can later be amended. He was concerned that declarations of use may be vulnerable to

incremental changes over time, particularly through subsequent approvals sought by developers. He also noted that clearer standards related to intensity of use, parking, and valet operations are needed to better manage impacts on surrounding neighborhoods and traffic conditions. Overall, Mr. Gilbane characterized the proposed revisions as an important first step toward creating a stronger regulatory framework that would allow the Town to encourage less intensive and more resident-serving development patterns over the long term.

Mr. Ailey stated he thinks that the criteria for the conditional use are going to be the key, basically complying with Senate Bill 2025.

Ms. Hofmeister provided direction and an approach for moving forward. She stated that she felt everyone was comfortable with the FAR but needed to know if the PZC was comfortable with the town-serving concept. She said a meeting would be held where setbacks and regulations could be reviewed for each of the commercial districts to discuss how staff will regulate intensifications.

Mr. Bergman stated that in follow-up, today if town-serving recommendations and FAR recommendations made by staff is a good place to conclude for today. The uses and criteria for conditional uses along with dimensional metrics will still need to be discussed. Mr. Bergman further stated that staff is awaiting a parking study from Kimley-Horn.

Public Comments

Danielle Del Sol, President and CEO of the Preservation Foundation of Palm Beach stated that the Foundation has been working with retailers who are in crisis as rents are increasing and their stores are going to be replaced. She stated that the Foundation has created a program to try to assist these retailers. She asked the Commission to prioritize the preservation of local retailers and small businesses in its discussions and amendments. The new program is called the Community Business Preservation Program which will offer technical, promotional and probably financial assistance to local retailers to keep local businesses open in Palm Beach.

Anita Seltzer, 44 Coconut Row complimented the staff on the work and discussion. She did a page by page review of the amendments, providing detailed comments and questions regarding the draft commercial district regulations, focusing primarily on clarity, organization, and implementation of the proposed standards. She requested clarification of terminology, including references to “formerly known as special exceptions,” and sought a better understanding of how proposed FAR percentages could affect future redevelopment potential within specific districts. She also questioned whether terms such as “compatible,” “subordinate,” and “customarily incidental” should be more clearly defined or cross-referenced within the code and suggested simplifying portions of the “town serving” language for readability.

Ms. Seltzer further raised concerns regarding how the proposed standards would function in practice, particularly with respect to parking requirements, conditional use criteria, and enforcement of existing special exception standards. She noted that while dimensional standards regulate building size, the intensity and operational impacts of uses within those buildings remain a significant concern. She emphasized the importance of aligning the regulations with the goals, objectives, and policies of the comprehensive plan and questioned whether stronger integration with those provisions was needed.

Additionally, Ms. Seltzer commented that certain code provisions appeared disorganized or incomplete, identifying areas where language consistency, grammatical corrections, and additional explanatory detail may be warranted. She expressed concern that quantitative review criteria for special exceptions have not always been consistently applied in recent years, resulting in approvals that may not fully align with the intent of the code. Overall, she acknowledged the complexity of the effort, recognized the substantial amount of work still ahead, and expressed appreciation for the ongoing discussions and future workshops.

End of Public Comments

6. Discussion on Fill

Wayne Bergman, Director of Planning, Zoning and Building gave an update and stated this will come up for discussion at next month's meeting.

Mr. Ailey suggested a process request to ensure the Commissioners are ready for the next meeting. Ms. Donaldson suggested the Four Arts Library (Amanda) for assistance.

ANY OTHER BUSINESS

There was a discussion about holding two meetings per month to get through the zoning review process.

Ms. Gilbane suggested office hours for residents who would like to submit input on topics being discussed by the commission. Ms. Hofmeister responded.

MEETING SCHEDULE

7. The next meeting is scheduled for June 2, 2026, at 9:30 a.m.

ADJOURNMENT

A motion was made by Mr. Gilbane and seconded by Mr. Klein to adjourn the meeting at 11:12 a.m. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair

TOWN OF PALM BEACH

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

To: Planning and Zoning Commission

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

From: Friederike H. Mittner, FAICP, Architectural Review & Historic Preservation Manager

Re: Discussion of R-B Zoning District Review

Date: 5/27/2026

Presentation only, no written information provided.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

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

To: Planning and Zoning Commission

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

From: Jennifer Hofmeister, AICP, LCAM, Planner III

Re: Discussion of Commercial Districts Pertaining to Uses and Introduction of
Criteria for Granting Conditional Uses (FKA Special Exception Uses)

Date: 5/27/2026

ATTACHMENT

Staff Report

STRATEGIC PLAN

Strategic Priorities:

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

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Water Resources

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

Sustainable Management of Town Assets

Collaborative Town Government

FUNDING

No Fiscal Impact



RE-EXAMINATION OF COMMERCIAL ZONING DISTRICT REGULATIONS &
INITIAL REVIEW OF COMPARISON OF SPECIAL EXCEPTION REQUIREMENTS FOR
GRANTING WITH PROPOSED CRITERIA FOR GRANTING A CONDITIONAL USE
TOWN OF PALM BEACH PZC MEMO

STAFF DIRECTIVE:

At the May 5, 2026, Planning and Zoning Commission (PZC) meeting, the PZC agreed to push forward on Zoning Code Review items during the off-season months. The strategy laid out is to deliberate on Zoning Review items during the summer months to produce material more useful and understandable for the Town Council and for the Town Residents when they return in the Fall.

To begin the summer month deliberation, three focus areas for discussion in this subject memorandum are proposed for the June 2, 2026 meeting and include the following:

- 1) A re-examination of the permitted, accessory, conditional, and prohibited uses, as amended by comments made by Commissioner Barbara Chapman and Anita Seltzer, as a member of the public, at the May 5, 2026 PZC meeting;
- 2) A re-examination of the proposed changes to certain bulk regulations in the Commercial Districts; and
- 3) A staff working document on the Criteria for granting Conditional Use Approvals.

DISCUSSION:

The following tables, Table 134-1104 and 134-1105 have been accepted by the PZC as the preferred layout for the uses and the bulk regulations for the Commercial Districts. The new working table, Table 134-229, presents a comparison of the current requirements for granting a Special Exception Use with the proposed condensed list of criteria for granting a Conditional Use. The comparison table will demonstrate the similarities between the current Special Exceptions and the proposed Conditional Uses, but, as suggested, it condenses them. Once accepted with the new list, Table 134-229 will provide only the Conditional Use criteria.

To ensure the PZC agrees, staff has provided the language in strike-through and underline of these sections of the Zoning Code following each of the proposed tables. This comparison will be presented at the June 2, 2026 PZC meeting. Please note that the red stricken language is proposed to be removed in its entirety, the green stricken language is proposed to be moved to another section of the Code, and the language underlined in black is new to the Code and may be in the tables if applicable.

The following focus areas are explained in the subject memorandum as 1) through 3) for the June 2, 2026 PZC meeting discussion agenda on the following pages.

1) A RE-EXAMINATION OF THE PROPOSED CHANGES TO THE PERMITTED, ACCESSORY, CONDITIONAL AND PROHIBITED USES

The following table summarizes the Commercial Zoning Districts' list of permitted, accessory, conditional and prohibited uses. These uses are also provided in redline following the table.

Table 134-1104 Permitted, Accessory, Conditional and Prohibited Use					
Uses	C-TS	C-WA	C-OPI	C-PC	C-B
Town-Serving retail establishment 3,000 SF or less (4,000 SF or less for C-WA)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Town-Serving personal service establishment 3,000 SF or less (4,000 SF or less for C-WA)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Town-Serving office establishment 3,000 SF or less (4,000 SF or less for C-WA)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Accessory Uses that are subordinate and customarily incident to the primary uses on the same lot.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Essential services	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Public parks	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-P</u>
Storage facility (related to permitted or conditional use in the district, provided said use meets all additional conditions in section 134-1760 of this chapter	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
Residence(s) above the first floor	<u>P</u>	<u>P</u>	<u>P</u>		
Non-profit cultural facilities	<u>P</u>	<u>C</u>		<u>C</u>	<u>C</u>
Churches, synagogues, and other houses of worship	<u>C</u>				<u>P</u>
Private parks	<u>C</u>				

Uses	C-TS	C-WA	C-OPI	C-PC	C-B
Town-Serving retail establishment more than 3,000 SF or (more than 4,000 SF for C-WA)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Town-Serving personal service establishment more than 3,000 SF (or more than 4,000 SF for C-WA)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Town-Serving office establishment more than 3,000 SF or (more than 4,000 SF for C-WA)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Public or private parking lots	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Outdoor café seating	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Public structures	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Supplemental parking	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Roof-deck automobile parking	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Restaurants, excluding formula restaurants	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Dining rooms when not more than 15 percent of the gross floor area			<u>C</u>	<u>C</u>	<u>C</u>
Private clubs	<u>C</u>	<u>C</u>		<u>C</u>	
Museums	<u>C</u>	<u>C</u>		<u>C</u>	
Timesharing uses				<u>C</u>	<u>C</u>
Hotels					<u>C</u>
Condo-hotel					<u>C</u>
Theaters				<u>C</u>	
Private parks	<u>C</u>				
Public or private academic schools (located south of 3500 South Ocean Boulevard)	<u>C</u>				

<u>Uses</u>	<u>C-TS</u>	<u>C-WA</u>	<u>C-OPI</u>	<u>C-PC</u>	<u>C-B</u>
<u>Service stations</u>	<u>C</u>				
<u>Adult retailers</u>					
<u>Auto rental lots</u>					
<u>Drive-in business service facilities</u>					
<u>Executive/employee/group, vacation/retreats</u>					
<u>Pawn shops</u>					
<u>Retail tobacco or nicotine products dealer and smoke shops</u>					
<u>Tattoo parlors</u>					

DIVISION 8.
C-TS TOWN-SERVING COMMERCIAL DISTRICT

Sec. 134-1107. Permitted uses.

~~(a) Enumeration; maximum gross leasable area.~~ The permitted uses in the C-TS Town-Serving ~~commercial~~ district, with a maximum of 3,000 gross ~~leasable floor~~ area ~~(GLA); (GFA)~~, are as follows:

~~(1) Town-Serving R~~retail establishments. ~~and service establishments, such as hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.~~

(2) Town-Serving personal service establishments.

~~(2) (3) Town-Serving office establishments. executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor.~~

~~(3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.~~

(4) Nonprofit cultural centers.

~~(5) Professional and studio type schools.~~

~~(6)(5)~~ Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

~~(7) (6)~~ Essential services.

~~(8) (7)~~ Public parks.

~~(9) (8)~~ Residence(s) above the first floor.

~~(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general~~

commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet. **Edit and move to the non-conforming section of new Procedures**

Sec. 134-1108. Accessory uses.

The accessory uses in the C-TS Town-Serving ~~commercial~~ district are as follows:

~~(1) Off-street parking and loading.~~

~~(2) Signs.~~

~~(3)~~ (1) ~~Accessory u~~Uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.

Sec. 134-1109. ~~Special exception~~ Conditional uses.

(a) ~~The special exception uses require a site plan review as provided in article III of this chapter.~~ The ~~special exception~~ Conditional uses in the C-TS Town-Serving ~~commercial~~ district are as follows:

(1) Town-Serving retail establishment more than 3,000 SF.

(2) Town-Serving personal service establishment more than 3,000 SF.

(3) Town-Serving office establishment more than 3,000 SF.

~~(1)~~ (4) Public or private parking lots or storage garages.

~~(2) Auto rental lots.~~

~~(3)~~ (5) Private social, swimming, golf, tennis and yacht clubs.

~~(4)~~ (6) Service stations.

~~(5)~~ (7) Public structures/uses.

~~(6) Essential services related to town-owned municipal buildings and structures.~~

~~(7)~~ (8) Supplemental parking per sections 134-2177 and 134-2182 as defined in section 134-2.

~~(8)~~ (9) Public or private academic schools located south of 2500 South Ocean Boulevard.

~~(9) Drive-in business service facilities.~~

(10) Churches, synagogues or other houses of worship.

~~(11) Permitted use or uses not specifically enumerated under permitted uses in section 134-1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 gross leasable area.~~

~~(12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.~~

~~(13)~~ (11) Roof-deck automobile parking.

~~(14)~~ (12) Outdoor Cafe seating ~~is permitted only~~ for restaurants, private clubs, and Town-Serving retail specialty food stores, defined in section 134-2 including the sale of prepared food for takeout only, and private, ~~social, swimming, golf, tennis and yacht~~ clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.

~~(15) Veterinary offices above the first floor.~~

~~(16) (13) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.~~

~~(17) Nightclubs.~~

~~(18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.~~

~~(19)~~ (14) Private parks.

~~(20) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.~~

~~(21)~~ (15) Restaurants, excluding formula restaurants, as defined in section 134-2 and bars/lounges.

~~(b) An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.~~ **Moved to Chapter 114 Taxation.**

Sec. 134-1110. Prohibited Uses.

The Prohibited Uses in the C-TS Town-Serving district are any use not listed in the table as “Permitted Uses” or “Conditional Uses”, including but not limited to:

- (1) Adult Retailers.
- (2) Auto Rental lots.
- (3) Drive in business service facilities.
- (4) Executive/employee/group, vacation/retreats.
- (5) Pawn shops.
- (6) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.
- (7) Tattoo parlors.

DIVISION 9.

C-WA WORTH AVENUE DISTRICT

Sec. 134-1157. Permitted uses.

~~(a) Enumeration; maximum gross leasable area.~~ The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 gross ~~leasable~~ floor area ~~(GLA)~~ are as follows:

- ~~(1) Antiques.~~
- ~~(2) Apparel and accessories.~~
- ~~(3) Art galleries.~~
- ~~(4) Art services.~~
- ~~(5) Bed and bath boutiques.~~
- ~~(6) Cards/gifts.~~
- ~~(7) Crafts.~~
- ~~(8) Drugstore/pharmacy.~~
- ~~(9) Fabrics.~~
- ~~(10) Flowers/florist.~~
- ~~(11) Furniture.~~
- ~~(12) Hair styling/beauty salon.~~
- ~~(13) Interior decorating sales/services.~~
- ~~(14) Jewelry.~~
- ~~(15) Kitchenwares.~~
- ~~(16) Luggage/leather goods.~~
- ~~(17) News/books.~~
- ~~(18) Optical goods.~~
- ~~(19) Perfumery.~~
- ~~(20) Photographic services/studios.~~
- ~~(21) Shoes.~~
- ~~(22) Stationery.~~
- ~~(23) Essential services.~~
- ~~(24) Tobacconist.~~
- ~~(25) Toys.~~
- ~~(26) TV and electronic items.~~
- (1) Town-Serving retail establishments.
- (2) Town-Serving personal service establishments.
- ~~(27)~~ (3) Town-Serving offices and professional and business services, including banks and financial institutions, and executive offices establishments above the first floor; excluding veterinarian offices.
- ~~(28)~~ (4) Storage facility related to a permitted or special exception conditional use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- ~~(29)~~ (5) Residence(s) above the first floor.

~~(30) Combinations of the uses in subsections (a)(1) through (28) of this section.~~

~~(6) Essential services.~~

~~Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 4,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 4,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size or subdivide into two 5,000 square foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 4,000 square feet. Edit and move to the non-conforming section of new Procedures.~~

Sec. 134-1158. Accessory uses.

The accessory uses in the C-WA Worth Avenue district are as follows:

~~(1) Off-street parking and loading.~~

~~(2) Signs.~~

~~(3) (1) Accessory u~~Uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.

Sec. 134-1159. ~~Special exception uses.~~ Conditional Uses.

~~(a) The special exception uses require a site plan review as provided in article III of this chapter.~~ The ~~special exception~~ Conditional uses in the C-WA Worth Avenue district are as follows:

(1) Town-Serving retail establishment more than 4,000 SF.

(2) Town-Serving personal service establishment more than 4,000 SF.

(3) Town-Serving office establishment more than 4,000 SF.

- ~~(1) — Pay parking.~~
- ~~(2)(4) Public or private parking or storage garages.~~
- ~~(3)(5) Private social, swimming, tennis or yacht clubs.~~
- ~~(4)(6) Public structures/uses.~~
- ~~(5) — Essential services related to town-owned municipal buildings and structures.~~
- ~~(6)(7) Supplemental parking per sections 134-2177 and 134- 2182.~~
- ~~(7)(8) Restaurants, nightclubs, lounges/bars, excluding formula restaurants as defined in section 134-2, nightclubs, lounges/bars.~~
- ~~(8)(9) Museums.~~
- ~~(9)(10) Nonprofit cultural centers.~~
- ~~(10) Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 GLA gross leasable area.~~
- ~~(11) — Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.~~
- ~~(12) — Outdoor promotional events. See section 134-2115 for additional conditions and criteria.~~
- ~~(13) (11) Roof deck automobile parking.~~
- ~~(14) (12) Outdoor cafe seating is permitted only for restaurants, and Town-Serving retail specialty food stores, including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met, including incidental sale of prepared foods for takeout.~~
- ~~(15) Retail specialty foods, including incidental sale of prepared foods for takeout.~~

Sec. 134-1160. Prohibited Uses.

The Prohibited Uses in the C-WA Worth Avenue district are any use not listed in the table as “Permitted Uses” or “Conditional Uses”, including but not limited to:

- (1) Adult Retailers.
- (2) Auto Rental lots.
- (3) Drive in business service facilities.
- (4) Executive/employee/group, vacation/retreats.
- (5) Pawn shops.
- (6) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.
- (7) Tattoo parlors.

DIVISION 10.

C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT

Sec. 134-1207. Permitted uses.

(a) ~~Enumeration; maximum gross leasable area.~~ The permitted uses in the C-OPI Office, Professional and Institutional district with a maximum of 3,000 gross ~~leasable floor~~ area ~~(GLA); (GFA),~~ are as follows:

- (1) Town-Serving retail establishments.
- (2) Town-Serving personal service establishments.
- ~~(1)(3) Town-Serving o~~ Offices establishments. ~~and professional and business services and executive offices, excluding veterinarian offices.~~
- ~~(2) Brokerage and trust companies.~~
- ~~(3) Yacht Brokerage with no display of merchandise on premises.~~
- (4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- ~~(6)(5)~~ Essential services.
- ~~(5)(6)~~ Residence(s) above the first floor.

Sec. 134-1208. Accessory uses.

The accessory uses in the C-OPI Office, Professional and Institutional district are as follows:

- ~~(1) Off-street parking and loading.~~
- ~~(2) Signs.~~
- ~~(3)(1) Accessory u~~ Uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.

Sec. 134-1209. ~~Special exception.~~ Conditional Uses.

~~The special exception uses require a site plan review as provided in article III of this chapter.~~

The ~~special exception uses~~ Conditional Uses in the C-OPI Office, Professional and Institutional district are as follows:

- (1) Town-Serving retail establishment more than 3,000 SF.
- (2) Town-Serving personal service establishment more than 3,000 SF.
- (3) Town-Serving office establishment more than 3,000 SF.
- ~~(1)(4)~~ Public or private parking lot ~~or storage garages.~~
- ~~(2) Auto rental lot.~~
- ~~(3)(5)~~ Public structures/uses.
- ~~(4) Essential services related to town-owned municipal buildings and structures.~~
- ~~(5)(6)~~ Supplemental parking per sections 134-2177 and 134-2182 as defined in Sec. 134-2.
- ~~(6)(7)~~ Restaurants, excluding formula restaurants as defined in section 134-2.
- ~~(7) Lounges/bars when associated with full-service restaurants.~~

~~(8) —Banks and financial institutions, excluding brokerage and trust companies.~~

~~(9) —Institutions.~~

~~(10)~~(8) Roof-deck automobile parking.

~~(11)~~(9) Outdoor Cafe seating for only restaurants and dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.

~~(12)~~(10) Dining rooms when not more than 15 percent of the gross floor area of the structure; no exterior or external advertising to be permitted.

Sec. 134-1210. ~~Reserved.~~ Prohibited Uses.

The Prohibited Uses in the C-OPI Office, Professional and Institutional district are any use not listed in the table as “Permitted Uses” or “Conditional Uses”, including but not limited to:

(1) Adult Retailers.

(2) Auto Rental lots.

(3) Drive in business service facilities.

(4) Executive/employee/group, vacation/retreats.

(5) Pawn shops.

(6) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.

(7) Tattoo parlors.

DIVISION 11.

C-PC PLANNED CENTER DISTRICT

Sec. 134-1257. Permitted uses.

- (a) The permitted uses in the C-PC Planned Center district commercial district, with a maximum of 3,000 with no limitations on gross ~~leasable area (GLA)~~ floor area (GFA) are as follows:

- ~~(1) Appliance services.~~
- ~~(2) Bookstore/newsstand.~~
- ~~(3) Business and professional offices/services and executive office suites, excluding veterinarian offices.~~
- ~~(4) Churches, synagogues and other houses of worship.~~
- ~~(5) Dance instruction/studio.~~
- ~~(6) Drugstore/pharmacy.~~
- ~~(7) Florist.~~
- ~~(8) Formal wear rental.~~
- ~~(9) Furniture.~~
- ~~(10) Hardware/home improvements.~~
- ~~(11) Hobby shop.~~
- ~~(12) Laundry/dry cleaning.~~
- ~~(13) Locksmith.~~
- ~~(14) Medical services.~~
- ~~(15) Optician/optometrist.~~
- ~~(16) Picture framing.~~
- ~~(17) Photocopying.~~
- ~~(18) Photographic studio.~~
- ~~(19) Print shop.~~
- ~~(20) Secretarial services.~~
- ~~(21) Shoe repair.~~
- ~~(22) Tobacconist.~~
- ~~(23) Tailor/dressmaker.~~
- ~~(24) Temporary help.~~
- ~~(25) Travel agent.~~
- ~~(26) Yard goods.~~
- (1) Town-Serving retail establishments.
- (2) Town-Serving personal service establishments.
- (3) Town-Serving office establishments.
- ~~(27)~~ (4) Essential services.
- (5) Public parks.
- ~~(28) Maximum 3,000 square feet of GLA. All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.~~

~~(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter). However, all future changes of use shall be limited to those uses listed as permitted uses in subsection (a) of this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000-square-foot limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet. Edit and move to the non-conforming section of new Procedures Section.~~

Sec. 134-1258. Accessory uses.

~~(1) Off-street parking and loading.~~

~~(2) Signs.~~

~~(3) Drive-in business service facilities.~~

~~(3)(1) Accessory uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.~~

Sec. 134-1259. ~~Special exception~~ Conditional uses.

~~(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception~~ Conditional uses in the C-PC Planned Center district are as follows:

(1) Town-Serving retail establishment more than 3,000 SF.

(2) Town-Serving personal service establishment more than 3,000 SF.

(3) Town-Serving office establishment more than 3,000 SF.

~~(1)(4) Public or private parking or storage garages.~~

~~(2)(5) Private, social, swimming, tennis and yacht clubs.~~

~~(3)(6) Public structures/uses.~~

~~(4)(7) Essential services related to town-owned municipal buildings and structures.~~

~~(5)(8) Supplemental parking per sections 134-2177 and 134-2182 as defined in Sec. 134-2.~~

- ~~(6)(9)~~ Restaurants, excluding formula restaurants as defined in section 134-2, ~~theaters, nightclubs, lounges/bars.~~
- ~~(10)~~ Theaters.
- ~~(7)(11)~~ Museums.
- ~~(8)~~ Veterinarian/animal clinic.
- ~~(9)~~ Auto rental.
- ~~(10)~~ Banks and financial institutions.
- ~~(11)~~ All retail and personal service activities exceeding 3,000 square feet gross leasable area not specifically cited under the permitted uses in subsection 134-1257(a)(2).
- (12) Timesharing uses at a maximum of nine units per acre and hotels at a maximum of 26 units per acre.
- (13) Roof-deck automobile parking.
- (14) Nonprofit cultural centers.
- ~~(15)~~ Veterinarian offices.
- ~~(16)~~ Outdoor seating in conjunction to permitted restaurants. See section 134-1260 for additional conditions.
- ~~(17)~~ (15) Outdoor Cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, ~~social, swimming, golf, tennis and yacht~~ clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- ~~(18)~~ (16) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.
- ~~(19)~~ Retail specialty foods, including incidental sale of prepared foods for takeout.
- ~~(b)~~ An owner or tenant of a property, located within the C-PC district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. **Moved to Chapter 114 - Taxation.**

Sec. 134-1260. ~~Reserved.~~ Prohibited Uses.

The Prohibited Uses in the C-PC Planned Center district are any use not listed in the table as “Permitted Uses” or “Conditional Uses”, including but not limited to:

- (1) Adult Retailers.
- (2) Auto Rental lots.
- (3) Drive in business service facilities.
- (4) Executive/employee/group, vacation/retreats.
- (5) Pawn shops.
- (6) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.
- (7) Tattoo parlors.

DIVISION 12.

C-B COMMERCIAL DISTRICT

Sec. 134-1302. Permitted uses.

- (a) ~~Enumeration; maximum gross leasable area. The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.~~ The permitted uses in the C-PC Planned Center ~~commercial~~ district, with a maximum of 3,000 with no limitations on gross ~~leasable area (GLA)~~ floor area (GFA) are as follows:
- (1) Town-Serving retail establishments.
 - (2) Town-Serving personal service establishments.
 - (3) Town-Serving office establishments. ~~Business and professional offices/services and executive office suites, excluding veterinarians.~~
 - ~~(2) Banks and financial institutions.~~
 - ~~(3)~~(4) Churches, synagogues or other houses of worship.
 - ~~(4)~~(5) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
 - ~~(5)~~(6) Public parks.
 - ~~(5)~~(7) Essential service.
- Sec. 134-1303. Accessory uses.
- (a) ~~The accessory uses in the C-B commercial district require a site plan and review as provided in article III of this chapter.~~
- (b) The accessory uses in the C-B ~~commercial~~ Business district are as follows:
- ~~(1) Off-street parking and loading.~~
 - ~~(2) Signs.~~
 - ~~(3)~~(1) Accessory uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.

Sec. 134-1304. ~~Special exception~~ Conditional uses.

- (a) ~~The special exception uses require a site plan review as provided in article III of this chapter.~~ The ~~special exception~~ Conditional uses in the C-B ~~commercial~~ Business district are as follows:
- (1) Town-Serving retail establishment more than 3,000 SF.
 - (2) Town-Serving personal service establishment more than 3,000 SF.
 - (3) Town-Serving office establishment more than 3,000 SF.
 - ~~(1)~~(4) Public or private parking lots ~~or storage garages.~~
 - ~~(2) Auto rental lot.~~
 - ~~(3)~~(5) Supplemental parking as defined in section 134-2.
 - ~~(4) Public or private academic schools.~~
 - ~~(5)~~(6) Hotels at a maximum of 26 units per acre.
 - ~~(6)~~(7) Timesharing uses at a maximum of nine units per acre.

~~(7)~~(8) Roof-deck automobile parking.

~~(8) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1302 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.~~

(9) Nonprofit cultural centers.

(10) Outdoor Cafe seating for restaurants, only hotels, ~~condo-hotels~~, dining rooms provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.

(11) Condo-hotels at a maximum of 17 units per acre, in accordance with section 134-2110.

~~(12)(9) Essential services related to town-owned municipal buildings and structures.~~

~~(13)~~ (12) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.

~~(b) An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. Moved to Chapter 114 Taxation.~~

Sec. 134-1305. ~~Reserved~~. Prohibited Uses.

The Prohibited Uses in the C-B Business district are any use not listed in the table as “Permitted Uses” or “Conditional Uses”, including but not limited to:

(1) Adult Retailers.

(2) Auto Rental lots.

(3) Drive in business service facilities.

(4) Executive/employee/group, vacation/retreats.

(5) Pawn shops.

(6) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.

(7) Tattoo parlors.

2) A RE-EXAMINATION OF THE PROPOSED CHANGES TO THE BULK REGULATIONS

The following table summarizes the proposed changes to the lot, yard, and area requirements for the Commercial Districts. These changes have been amended for the following reasons:

- 1) To secure the maximum FAR per Commercial District.
- 2) To remove the maximum square footage as that number only applies to 3 out of 5 Commercial districts, and conflicts with the proposed maximum FAR intensity standard.
- 3) To note where certain regulations are being moved to more appropriate sections of the Code of Ordinances.
- 4) To adjust the minimum lot area size to equal the minimum lot depth and width multiplied for each Commercial Zoning District.

The red-lined district regulations are provided in Table 134-1105.

Table 134-1105 Lot, Yard and Area Requirements - Generally					
Development Standard	C-TS	C-WA*	C-OPI	C-PC	C-B
Maximum FAR	2.0	2.0	1.5	0.5	1.5
Maximum Square Footage	15,000 SF	15,000 SF	15,000 SF		
Minimum Lot Area	4,000 SF	4,000 SF	4,000 SF	4,000 SF	15,000 SF
Minimum Lot Area	<u>2,700 SF</u>	<u>2,700 SF</u>	<u>2,700 SF</u>	<u>2,700 SF</u>	15,000 SF
Maximum Density	<u>6 du/acre</u>	<u>10 du/acre</u>	<u>6 du/acre</u>	<u>26 hotel rooms; time-sharing uses; 9 units/acre</u>	<u>26 hotel rooms; time-sharing uses; 9 units/acre</u>
Minimum Lot Width	30 ft	30 ft	30 ft	30 ft	<u>100 ft</u>
Minimum Lot Depth	<u>90 ft</u>	<u>90 ft</u>	<u>90 ft</u>	<u>90 ft</u>	<u>150 ft</u>
Minimum Front Yard Setback	10 ft	<u>10 ft</u>	5 ft	10 ft	10 ft 25 ft for hotel and time-sharing uses

Development Standard	C-TS	C-WA*	C-OPI	C-PC	C-B
Minimum Side Yard Setback	<u>n/a**</u>	<u>n/a**</u>	<u>n/a**</u>	<u>n/a**</u>	<u>n/a**</u>
Minimum Rear Yard Setback	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>15 ft</u>
Maximum Height	<u>15 ft for 1-story building; 25 ft for 2-story</u>	<u>15 ft for 1-story building; 25 ft for 2-story, 35 ft for 3-story*</u>	<u>15 ft for 1-story building; 25 ft for 2-story, 35 ft for 3-story</u>	<u>15 ft for 1-story building; 25 ft for 2-story</u>	<u>15 ft for 1-story building; 25 ft for 2-story***</u>
Maximum Lot Coverage	<u>70%</u>	<u>75%</u>	<u>70%</u>	<u>70%</u>	<u>60%</u>
Maximum Building Length	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>
Landscaped Open Space	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>

*See Worth Avenue Design Guidelines

**Side setback shall be 10 feet if adjacent to a residential zoning district

***Development standards must be consistent with Declaration of Use Agreements (DOUA)

DIVISION 8.

C-TS TOWN-SERVING COMMERCIAL DISTRICT

~~Sec. 134-1113. Lot, yard and area requirements—Generally:~~

~~In the C-TS town-serving commercial district, the schedule of lot, yard and area requirements is as given in this section:~~

- ~~(1) *Lot area.* The minimum lot area is 4,000 square feet.~~
- ~~(2) *Lot width.* The minimum lot width is 30 feet.~~
- ~~(3) *Lot depth.* The minimum lot depth is 90 feet.~~
- ~~(4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.~~
- ~~(5) *Front yard.*~~
 - ~~a. For one-story buildings, the minimum front yard setback is five feet.~~
 - ~~b. For two-story buildings, the minimum front yard setback is five feet.~~
 - ~~c. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five feet of which may be on the town street~~

right-of-way, where appropriate, and addition-ally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible. **Incorporate into Landscape Code**

- d. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.~~ **Incorporate into Landscape Code**

~~(6) Side yard:~~

- a. ~~There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided. When the side yard of a C-TS property adjoins property zoned in any R district, a ten-foot side yard is required on that side.~~
- b. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.~~

~~(7) Rear yard:~~

- a. ~~For one-story buildings, the minimum rear yard setback is ten feet.~~
- b. ~~For two-story buildings, the minimum rear yard setback is ten feet.~~
- c. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.~~

~~(8) Height and overall height:~~

- a. ~~For one-story buildings, the maximum building height is 15 feet.~~
- b. ~~For two-story buildings, the maximum building height is 25 feet.~~
- c. ~~In this district, the maximum building height allows one story, with provision for a special exception for two stories. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1115 relating to allowable height and lot coverage, and article III of this chapter (site plan review).~~
- d. ~~Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.~~ **Incorporate into Supplementary Regulations.**

~~(9) Lot coverage:~~

- a. ~~For one-story buildings, the maximum lot coverage is 70 percent.~~
- b. ~~For two-story buildings, the maximum lot coverage is 70 percent.~~

~~(10) Length:~~

- ~~a. For one-story buildings, the maximum building length is 150 feet.~~
- ~~b. For two-story buildings, the maximum building length is 150 feet.~~
- ~~c. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each, be considered as a separate building for the purpose of calculating building length.~~

~~(11) Landscaped open space:~~

- ~~a. For one-story buildings, the minimum landscaped open space is 15 percent.~~
- ~~b. For two-story buildings, the minimum landscaped open space is 25 percent.~~
- ~~c. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-TS district.~~ **Incorporate into Landscape Code**

~~(12) Floor area:~~

- ~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~
- ~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~
- ~~c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from, a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.~~ **Move to dimension regulations to Table 134-1105.**

DIVISION 9.

C-WA WORTH AVENUE DISTRICT

~~Sec. 134-1163. Lot, yard and area requirements—Generally.~~

~~In the C-WA Worth Avenue district, the schedule of lot, yard and area requirements is as given in this section:~~

- ~~(1) Lot area. The minimum lot area is 4,000 square feet.~~
- ~~(2) Lot width. The minimum lot width is 30 feet.~~
- ~~(3) Lot depth. The minimum lot depth is 90 feet.~~
- ~~(4) Density. A single dwelling unit, or multiple dwelling units not to exceed ten dwelling units per gross acre as provided for in the Worth Avenue design guidelines which are on file in the town clerk's office, and which are incorporated and adopted as part of this chapter as if fully set forth in this chapter. See article III of this chapter for site plan review requirements.~~
- ~~(5) Front yard. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum~~

building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible. Within the C-WA district, arcades or colonnades may be constructed subject to approval as a special exception over the sidewalks in the required front yard setback, provided they meet the requirements of section 134-1213(e). **Incorporate into Landscape Code**

~~(6) *Side yard.* There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.~~

~~(7) *Rear yard.* The minimum rear yard setback is ten feet.~~

~~(8) *Height and overall height.*~~

~~a. For one-story buildings, the maximum building height is 15 feet.~~

~~b. For two-story buildings, the maximum building height is 25 feet, allowable as a special exception.~~

~~c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.~~

Incorporate into Supplementary Regulations

~~d. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations. **Include Worth Avenue Guidelines into the Code.**~~

~~(9) *Lot coverage.*~~

~~a. For one-story buildings, the maximum lot coverage is 75 percent.~~

~~b. For two-story buildings, the maximum lot coverage is 35 percent for the first floor and 35 percent for the second floor. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1165 relating to allowable height and lot coverage, and article III of this chapter (site plan review).~~

~~c. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations. **Include Worth Avenue Guidelines into the Code.**~~

~~(10) *Length.*~~

~~a. For one-story buildings, the maximum building length is 150 feet.~~

~~b. For two-story buildings, the maximum building length is 150 feet.~~

~~c. For each multifamily building maximum dimensions, see section 134-1871 et seq.~~

~~d. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.~~

- ~~e. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.~~

~~(11) Landscaped open space:~~

- ~~a. For one-story buildings, the minimum landscaped open space is 15 percent.~~
- ~~b. For two-story buildings, the minimum landscaped open space is 25 percent.~~
- ~~c. For three-story buildings, the minimum landscaped open space is 25 percent.~~

~~(12) Floor area:~~

- ~~a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~
- ~~b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.~~
- ~~c. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.~~
- ~~d. Sub-basements are exempt from the maximum, building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.~~ **Moved dimension regulations to Table 134-1105.**

DIVISION 10.

C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT

~~Sec. 134-1213. Lot, yard and area requirements—Generally:~~

~~In the C-OPI office, professional and institutional district, the schedule of lot, yard and area requirements is as given in this section:~~

- ~~(1) Lot area. The minimum lot area is 4,000 square feet.~~
- ~~(2) Lot width. The minimum lot width is 30 feet.~~
- ~~(3) Lot depth. The minimum lot depth is 90 feet.~~
- ~~(4) Density. A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.~~
- ~~(5) Front yard:~~
 - ~~a. For one-story buildings, the minimum front yard setback is five feet.~~
 - ~~b. For two-story buildings, the minimum front yard setback is five feet.~~
 - ~~c. For three-story buildings, the minimum front yard setback is five feet.~~
 - ~~d. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum~~

building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible. **Incorporate into Landscape Code**

- e. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.~~

~~(6) Side yard:~~

- a. ~~There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided. When the side yard of a C-OP1 property adjoins property zoned in any R district, a ten-foot side yard is required on that side.~~
- b. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.~~

~~(7) Rear yard:~~

- a. ~~For one-story buildings, the minimum rear yard setback is ten feet.~~
- b. ~~For two-story buildings, the minimum rear yard setback is ten feet.~~
- c. ~~For three-story buildings, the minimum rear yard setback is ten feet.~~
- d. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.~~

~~(8) Height and overall height:~~

- a. ~~For one-story buildings, the maximum building height is 15 feet.~~
- b. ~~For two-story buildings, the maximum building height is 25 feet.~~
- c. ~~For three-story buildings, the maximum building height is 35 feet.~~
- d. ~~In this district, the maximum building height is two stories, with provision for a special exception for three stories. See special exception provisions in sections 134-227 through 134-233, section 134-1214, and article III of this chapter.~~
- e. ~~Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.~~

~~(9) Lot coverage:~~

- a. ~~For one-story buildings, the maximum lot coverage is 70 percent.~~
- b. ~~For two-story buildings, the maximum lot coverage is 35 percent.~~
- c. ~~For three-story buildings, the maximum lot coverage is 25 percent.~~

~~(10) Length:~~

- ~~a. For one-story buildings, the maximum building length is 150 feet.~~
- ~~b. For two-story buildings, the maximum building length is 150 feet.~~
- ~~c. For three-story buildings, the maximum building length is 150 feet.~~
- ~~d. Sub-basements are exempt from the maximum, building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.~~

~~(11) Landscaped open space:~~

- ~~a. For one-story buildings, the minimum landscaped open space is 15 percent.~~
- ~~b. For two-story buildings, the minimum landscaped open space is 25 percent.~~
- ~~c. For three-story buildings, the minimum landscaped open space is 30 percent.~~
- ~~d. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-OP district.~~

~~(12) Floor area:~~

- ~~a. For one-story buildings, the maximum gross floor area of buildings is 30,000 square feet.~~
- ~~b. For two-story buildings, the maximum gross floor area of buildings is 30,000 square feet.~~
- ~~c. For three-story buildings, the maximum gross floor area of buildings is 30,000 square feet.~~
- ~~d. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area. Move to dimension regulations to Table 134-1105.~~

DIVISION 11.

C-PC PLANNED CENTER DISTRICT

Sec. 134-1262. Lot, yard and area requirements—Generally:

In the C-PC planned center district, the schedule of lot, yard and area requirements is as given in this section:

- ~~(1) Lot area. The minimum lot area is 4,000 square feet.~~
- ~~(2) Lot width. The minimum lot width is 30 feet.~~
- ~~(3) Lot depth. The minimum lot depth is 90 feet.~~
- ~~(4) Density. See article III of this chapter for site plan review requirements.~~
- ~~(5) Front yard. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is~~

approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible. **Incorporate into Landscape Code**

~~(6) Side yard.~~ There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.

~~(7) Rear yard.~~

~~a. For one-story buildings, the minimum rear yard setback is ten feet.~~

~~b. For two-story buildings, the minimum rear yard setback is ten feet.~~

~~(8) Height and overall height.~~

~~a. For one-story buildings, the maximum building height is 15 feet.~~

~~b. For two-story buildings, the maximum building height is 25 feet.~~

~~c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.~~

~~(9) Lot coverage.~~

~~a. For one-story buildings, the maximum lot coverage is 70 percent.~~

~~b. For two-story buildings, the maximum lot coverage is 35 percent.~~

~~(10) Length.~~ The maximum building length is 150 feet.

~~(11) Landscaped open space.~~

~~a. For one-story buildings, the minimum landscaped open space is 15 percent.~~

~~b. For two-story buildings, the minimum landscaped open space is 25 percent.~~

Move to dimension regulations to Table 134-1105.

Sec. 134-1263. Same—Exceptions

~~(a) In the C-PC planned center district, c~~Cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

~~(b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.~~

~~(c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.~~

~~(d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet~~

~~six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.~~

- ~~(e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.~~
- ~~(f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.~~
- ~~(g) A maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.~~ **Added (g) and moved to Supplementary Regulations.**

DIVISION 12.

C-B COMMERCIAL DISTRICT

Sec. 134-1308. Lot, yard and area requirements—Generally.

~~In the C-B commercial district, the schedule of lot, yard and area requirements is as given in this section:~~

- ~~(1) Lot area. The minimum lot area is 15,000 square feet.~~
- ~~(2) Lot width. The minimum lot width is 100 feet.~~
- ~~(3) Lot depth. The minimum lot depth is 150 feet.~~
- ~~(4) Density:~~
 - ~~a. The maximum density for hotels within C-B commercial district shall be 26 dwelling units per acre.~~
 - ~~b. See article III of this chapter for site plan review requirements.~~
- ~~(5) Front yard:~~
 - ~~a. For one-story buildings, the minimum front yard setback is ten feet.~~
 - ~~b. For two-story buildings, the minimum front yard setback is ten feet.~~
 - ~~c. The minimum front yard setback is 25 feet when applied to hotel uses and timesharing uses permitted as a special exception in a C-B district.~~
 - ~~d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.~~
- ~~(6) Side yard:~~
 - ~~a. For one-story buildings, the minimum side yard setback is ten feet.~~
 - ~~b. For two-story buildings, the minimum side yard setback is ten feet.~~

- c. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.~~

~~(7) *Rear yard:*~~

- a. ~~For one-story buildings, the minimum rear yard setback is 15 feet.~~
- b. ~~For two-story buildings, the minimum rear yard setback is 15 feet.~~
- c. ~~For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.~~

~~(8) *Height and overall height:*~~

- a. ~~For one-story buildings, the maximum building height is 15 feet.~~
- b. ~~For two-story buildings, the maximum building height is 25 feet.~~
- c. ~~Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.~~

Incorporate into Supplementary Regulations

~~(9) *Lot coverage:*~~

- a. ~~For one-story buildings, the maximum lot coverage is 60 percent.~~
- b. ~~For two-story buildings, the maximum lot coverage is 30 percent.~~
- c. ~~The maximum lot coverage for two-story buildings is 50 percent when applied to hotel uses and timesharing uses permitted as a special exception in a C-B district.~~

~~(10) *Length:*~~

- a. ~~For one-story buildings, the maximum building length is 150 feet.~~
- b. ~~For two-story buildings, the maximum building length is 150 feet.~~
- c. ~~Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each, be considered as a separate building for the purpose of calculating building length.~~

~~(11) *Landscaped open space:*~~

- a. ~~For one-story buildings, the minimum landscaped open space is 20 percent.~~
- b. ~~For two-story buildings, the minimum landscaped open space is 30 percent.~~
- c. ~~Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-B district.~~

Moved dimension regulations to Table 134-1105.

3) A STAFF WORKING DOCUMENT ON THE CRITERIA FOR GRANTING CONDITIONAL USE APPROVALS

The comparison of the proposed changes to the “Requirements for granting a Special Exception” to the “Criteria for granting a Conditional Use” is explained in the working table 134-229 provided below. The table shows the original 14 requirements for granting a Special Exception on the left column compared to the list of the Conditional Use Criteria proposed on the right column. Subsequent work by staff is to create a complementary list of Supplementary Regulations.

<i>Working</i> Table 134-229 Comparison of Special Exception and Conditional Use Criteria for Granting	
Per existing Code Sec. 134-229 Special Exception Requirements for granting	Proposed Code Sec. 134-229 Conditional Use Criteria for granting
(1) The use is a permitted special exception use as set forth in article VI of this chapter.	<u>(1) The use is listed as a conditional use under Article VI of this Chapter for the applicable zoning district.</u>
(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.	<u>(5) Designed to not create material adverse impacts on adjacent properties and the surrounding neighborhood (e.g. undue odor, noise, smoke, gas, glare, vibration) due to use of the property, location of mechanical equipment on the property, refuse collection, service delivery, parking and loading, signs, lighting and other site elements.</u> <u>(7) The design, location of site elements and intended use of the property will be such to maintain compatibility with the surrounding neighborhood.</u>
(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.	<u>(6) Designed to not cause substantial injury to the value of adjacent properties in the surrounding neighborhood.</u>

Per existing Code Sec. 134-229 Special Exception Requirements for granting	Proposed Code Sec. 134-229 Conditional Use Criteria for granting
(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.	<u>(7) The site plan design, location of site elements, and intended use of the property will be such as to maintain the safety of public service with compatibility with the surrounding neighborhood.</u>
(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.	<u>(2) The use complies with all regulations of the applicable zoning district under Article VI of this Chapter and all other applicable regulations under the Code of Ordinances including the Supplementary District. Regulations in Article VIII of this Chapter that may include additional conditions and limitations for certain conditional uses.</u>
(6) The use will comply with all elements of the comprehensive plan.	<u>(3) Consistent with the use, density and intensity of use standards, as applicable, within the Comprehensive Plan.</u>
(7) The use does not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.	<u>(5) Designed to not create material adverse impacts on adjacent properties and the surrounding neighborhood (e.g. undue odor, noise, smoke, gas, glare, vibration) due to use of the property, location of mechanical equipment on the property, refuse collection, service delivery, parking and loading, signs, lighting and other site elements.</u>
(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.	<u>(4) Designed to maintain safe ingress and egress and traffic flows onto and through the property for vehicles and pedestrians.</u>
(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.	Move to Sign Code as a standard requirement

Per existing Code Sec. 134-229 Special Exception Requirements for granting	Proposed Code Sec. 134-229 Conditional Use Criteria for granting
(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.	<u>(7) The design, location of site elements and intended use of the property will be such to maintain safety of public service with the compatibility to the surrounding neighborhood.</u>
(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.	<u>(4) Designed to maintain safe ingress and egress and traffic flows onto and through the property for vehicles and pedestrians.</u> <u>(5) Designed to not create material adverse impacts on adjacent properties and the surrounding neighborhood (e.g. undue odor, noise, smoke, gas, glare, vibration) due to use of the property, location of mechanical equipment on the property, refuse collection, service delivery, parking and loading, signs, lighting and other site elements.</u>

Per existing Code Sec. 134-229 Special Exception Requirements for granting	Proposed Code Sec. 134-229 Conditional Use Criteria for granting
(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.	(8) <u>Meets the town-serving requirement, if applicable, under Section 134-229(C).</u> <u>B. The proposed conditional use will not attract the principal portion of its customers or clients from off-island locations. The Applicant shall submit evidence satisfactory to the Town Council that not less than fifty percent (50%) of the customers or clients of the proposed conditional use will be town persons as defined in Section 134-2. Satisfactory evidence shall include, but not be limited to, credible data or information such as lists of customers and clients' addresses or certification thereof by an independent certified public accountant approved by the Town, market studies prepared by independent professional firm approved by the Town, or data from similar operations under control of the Applicant and acceptable to the Town. The Town may in the future on an annual and ongoing basis require the Applicant to demonstrate to the satisfaction of the Town Council that the conditional use is continuing to be town-serving; and if the Applicant fails to maintain the town serving requirement under Section 134-229(8), such conditional use approval shall become null and void and the Town may pursue all remedies under the Code of Ordinances and at law. Notwithstanding the foregoing, this subsection shall not be applicable to any conditional use in the C-OPI zoning district, nor shall it be applicable to hotel, motel or timeshare uses in any zoning district.</u> <u>C Town Council may impose reasonable and appropriate conditions and safeguards so that the use and the proposed development application meet the criteria in subsection (A) and (B) above.</u>
(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.	Move to Landscape Code as a standard requirement

Per existing Code Sec. 134-229 Special Exception Requirements for granting	Proposed Code Sec. 134-229 Conditional Use Criteria for granting
(14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.	<u>(4) Designed to maintain safe ingress and egress and traffic flows onto and through the property for vehicles and pedestrians.</u>

Sec. 134-229. Requirements for granting.

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.
- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

Proposed Conditional Use Criteria:

New 134-229 – Requirements for Granting a Conditional Use.

A. The Town Council may approve a conditional use under this Section if it finds by competent substantial evidence that the use and the proposed development application meet all the conditions below:

- (1) The use is listed as a conditional use under Article VI of this Chapter for the applicable zoning district.
- (2) The use complies with all regulations of the applicable zoning district under Article VI of this Chapter and all other applicable regulations under the Code of Ordinances, including the Supplementary District. Regulations in Article VIII of this Chapter may include additional conditions and limitations for certain conditional uses.
- (3) Consistent with the use, density and intensity of use standards, as applicable, within the Comprehensive Plan.

- (4) Designed to maintain safe ingress and egress and traffic flows onto and through the property for vehicles and pedestrians.
- (5) Designed to not create material adverse impacts on adjacent properties and the surrounding neighborhood (e.g. undue odor, noise, smoke, gas, glare, vibration) due to use of the property, location of mechanical equipment on the property, refuse collection, service delivery, parking and loading, signs, lighting and other site elements.
- (6) Designed to not cause substantial injury to the value of adjacent properties in the surrounding neighborhood.
- (7) The design, location of site elements and intended use of the property will be such to maintain compatibility with the surrounding neighborhood.
- (8) Meets the town-serving requirements, if applicable, under Code Sec. 134-229(B).

B. The proposed conditional use will not attract the principal portion of its customers or clients from off-island locations. The Applicant shall submit evidence satisfactory to the Town Council that not less than fifty percent (50%) of the customers or clients of the proposed conditional use will be town persons as defined in Section 134-2. Satisfactory evidence shall include, but not be limited to, credible data or information such as lists of customers and clients' addresses or certification thereof by an independent certified public accountant approved by the Town, market studies prepared by independent professional firm approved by the Town, or data from similar operations under control of the Applicant and acceptable to the Town. The Town may in the future on an annual and ongoing basis require the Applicant to demonstrate to the satisfaction of the Town Council that the conditional use is continuing to be town-serving; and if the Applicant fails to maintain the town serving requirement under Section 134-229(8), such conditional use approval shall become null and void and the Town may pursue all remedies under the Code of Ordinances and at law. Notwithstanding the foregoing, this subsection shall not be applicable to any conditional use in the C-OPI zoning district, nor shall it be applicable to hotel, motel or timeshare uses in any zoning district.

C. The Town Council may impose reasonable and appropriate conditions and safeguards so that the use and the proposed development application meet the criteria in subsection (A) and (B) above.

TOWN OF PALM BEACH

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

To: Planning and Zoning Commission

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

From: Jennifer Hofmeister, AICP, LCAM, Planner III

Re: Reinstate Language Adopted In Ordinance No. 006-2025 Pertaining To Public and Private Schools and Correct Sentence in R-B Low Density Residential Regarding Pedestrian Access Tunnels

Date: 5/27/2026

ATTACHMENTS

Staff Report

Draft Ordinance No. 017-2026

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact



REINSTATE LANGUAGE ADOPTED IN ORDINANCE NO. 006-2025
PERTAINING TO PUBLIC AND PRIVATE SCHOOLS AND CORRECT
SENTENCE IN R-B LOW DENSITY RESIDENTIAL REGARDING
PEDESTRIAN ACCESS TUNNELS
TOWN OF PALM BEACH PZC MEMO

STAFF DIRECTIVE:

On May 14, 2025, the Town Council of the Town of Palm Beach adopted Ordinance No. 006-2025 (see attached) to remove private and public academic schools from the list of special exception uses in the R-B low density residential district, R-C medium density residential district, and C-B commercial district in the central (midtown) and north end of the Town, and as a special exception use south of 2500 South Ocean Boulevard only in the R-D(1) moderate density residential district, R-D(2) high density residential district, and C-TS town-serving commercial district.

On February 11, 2026, the Town Council of the Town of Palm Beach adopted Ordinance No. 035-2025 related to required Code Amendments to maintain consistency with the adopted 2024 Comprehensive Plan, which required Code Amendments that did not pertain to private and public academic schools as special exception uses. Ordinance No. 035-2025 inadvertently failed to reflect the changes made to the residential zoning districts by Ordinance No. 006-2025.

Additionally, in reviewing Section 134-890 of the Code, Town Staff noted that the special exception use for pedestrian access tunnels to the beach in the R-B low density residential district requires further clarification with respect to the prior written governmental approval on which that special exception use is conditioned to make it consistent with the conditions on the same special exception uses in Sections 134-790 (R-AA large estate residential district) and Section 134-840 (R-A estate residential district).

DISCUSSION:

The following Code Sections are being restated to return the amended language that was approved by the Town Council on May 14, 2025 with the adoption of Ordinance No. 006-2025. Additionally, the statement in the newly ordered (13) was not a complete sentence. It now mirrors the R-AA and R-A residential districts regarding pedestrian access tunnels.

Section 1. Article VI, **DISTRICT REGULATIONS, Division 4. - R-B Low Density Residential District, Section 134-890** is hereby amended as follows:

Sec. 134- 890. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-B low density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach cabana houses intended for the use of family and guests.
- ~~(5) Public and private academic schools.~~
- ~~(6) (5)~~ Private social, swimming, golf, tennis, and yacht clubs, and houses of worship in existence prior to January 1, 1996.
- ~~(7) (6)~~ Churches and synagogues and other houses of worship.
- ~~(8) (7)~~ Required off-street parking in accordance with subsection 134-2177(3) and supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- ~~(9) (8)~~ Nonprofit cultural centers.
- ~~(10) (9)~~ Municipally owned or operated parking areas.
- ~~(11) (10)~~ Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- ~~(12) (11)~~ Group home with up to six occupants.
- ~~(13) (12)~~ Foster care facility with up to six occupants.
- ~~(14) (13)~~ Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- ~~(15) (14)~~ Municipally owned and operated parks and recreation centers.

Section 2. Article VI, **DISTRICT REGULATIONS, Division 5. - R-C Medium Density Residential District, Section 134-945** is hereby amended as follows:

Sec. 134-945. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-C medium density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- ~~(4) Public and private academic schools.~~
- ~~(5) (4)~~ Churches, synagogues and other houses of worship.

- ~~(6)~~ (5) Supplemental parking.
- ~~(7)~~ (6) Nonprofit cultural centers.
- ~~(8)~~ (7) Municipally owned or operated parking areas.
- ~~(9)~~ (8) Beach cabana houses intended for the use of family and guests only.
- ~~(10)~~ (9) Museums occupying buildings of unique value as historical landmarks as determined by the landmarks preservation commission and the town council and for which it is demonstrated that no permitted use is economically viable.
- ~~(11)~~ (10) Roof-deck automobile parking.
- ~~(12)~~ (11) Group home.
- ~~(13)~~ (12) Foster care facility.
- ~~(14)~~ (13) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- ~~(15)~~ (14) Municipally owned and operated parks and recreation areas.

Section 3. Article VI, **DISTRICT REGULATIONS, Division 6. - R-D(1) High Density Residential District, Section 134-1000** is hereby amended as follows:

Sec. 134-1000. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the R-D(1) high density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Roof-deck automobile parking.
- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.
- (10) Group home.
- (11) Foster care facility.
- (12) Municipally owned and operated parks and recreation areas.

Section 4. Article VI, **DISTRICT REGULATIONS, Division 7. - R-D(2) High Density Residential District, Section 134-1055** is hereby amended as follows:

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(2) high density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Accessory commercial uses to hotel uses.
- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.
- (10) Hotels.
- (11) Timesharing uses.
- (12) Roof-deck automobile parking.
- (13) Group home.
- (14) Foster care facility.
- (15) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- (16) Outdoor cafe seating for dining purposes related to hotels, condo-hotels and dining rooms provided that all requirements and conditions contained in sections 134-2104 and 134-2108 are met.
- (17) Condo-hotels in accordance with section 134-2110.
- (18) Municipally owned and operated parks and recreation areas.

ORDINANCE NO. 6-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AT ARTICLE VI, DISTRICT REGULATIONS, AT DIVISION 4, TO AMEND SECTION 134-890 TO REMOVE PUBLIC AND PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-B LOW DENSITY RESIDENTIAL DISTRICT; AT DIVISION 5, TO AMEND SECTION 134-945, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-C MEDIUM DENSITY RESIDENTIAL DISTRICT; AT DIVISION 6, TO AMEND SECTION 134-1000, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-D(1) MODERATE DENSITY RESIDENTIAL DISTRICT; AT DIVISION 7, TO AMEND SECTION 134-1055, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT; AT DIVISION 8, TO AMEND SECTION 134-1109, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE C-TS TOWN-SERVING COMMERCIAL DISTRICT; AT DISTRICT 12, TO AMEND SECTION 134-1304, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS A SPECIAL EXCEPTION IN THE C-B COMMERCIAL DISTRICT; PROVIDING FOR EXHIBIT A, MAP OF AFFECTED AREA; PROVIDING FOR EXHIBIT B, MAP OF UNAFFECTED AREA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach has adopted Chapter 134, Zoning, of the Code of Ordinances, to establish comprehensive controls for the development of land in the Town based on the Comprehensive Plan for the Town; and

WHEREAS, Chapter 134 establishes zoning districts for the purpose of protecting, promoting and improving the public health, safety, morals, and the general welfare of the people and convenience of efficient traffic circulation of people and goods; and

WHEREAS, Article VI of Chapter 134 provides for land development regulations for each of the established zoning districts by division that include a list of permitted and special exception uses; and

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

WHEREAS, on April 18, 2022, the Town entered into a professional services agreement with The Corradino Group, Inc., to provide zoning code reform services, traffic and parking studies and peer review; and

WHEREAS, on June 25, 2024, the Town Council of the Town of Palm Beach accepted the Traffic Analyses and Commercial Area Parking Study ("Study") prepared by The Corradino Group that evaluated and compared trip generation of different land uses and intensities, and analyzed intersection capacity, origin-destinations and parking supply and demand by land use; and

WHEREAS, the Study assessed traffic operations along the Seaview Avenue corridor during the arrival and dismissal periods of the Palm Beach Elementary School and Palm Beach Day Academy; and

WHEREAS, the Study determined that there are operational deficiencies along the Seaview Avenue corridor and excessive queuing along the Town roadways in the central (midtown) areas due to the two schools' arrival and dismissal operations; and

WHEREAS, on May 13, 2025, Kimley-Horn & Associates, one of the Town's Continuing Service Contractors for traffic engineering, presented to the Town Council of the Town of Palm Beach, the 2025 peak season road segment traffic count data that indicated a doubling and even tripling of vehicle trips from the Royal Park and Flagler Memorial Bridges into the Town causing Royal Palm Way, Royal Poinciana Way and South County Road north of Peruvian Avenue to operate at a failing level of service standard (LOS F); and

WHEREAS, the Royal Park and Flagler Memorial Bridges are the principal access points to the central (midtown) and north end of the Town; and

WHEREAS, the Town of Palm Beach is a "built-out" community in the central (midtown) and north end of the Town; and

WHEREAS, on May 14, 2025, the Town Council of the Town of Palm Beach determined that private and public academic schools should be removed from the list of special exception uses in the central (midtown) and north end of the Town, as more specifically shown on Exhibit A; and

WHEREAS, the south end of the Town, as more specifically shown on Exhibit B, is not principally accessed by the Royal Park and Flagler Memorial Bridges; and

WHEREAS, the south end of the Town consists of many older condominiums and hotels that are beginning to be redeveloped and with that projected redevelopment opportunities require a focused study of the area and therefore the south end is not included in this Ordinance; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: Article VI, **DISTRICT REGULATIONS, Section 134-890** is hereby amended to remove subsection (5) and renumber the remainder, as follows:

Sec. 134-890. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the R-B low density residential district are as follows:

- (1) Planned unit development, PUD(1) (see article V of this chapter for standards).
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach houses intended for the use of family and guests.
- ~~(5) Public and private academic schools.~~
- ~~(6)~~(5) Private social, swimming, golf, tennis and yacht clubs, and houses of worship in existence prior to January 1, 1996.
- ~~(7)~~(6) Churches and synagogues and other houses of worship.
- ~~(8)~~(7) Required off-street parking in accordance with subsection 134-2177(3) and supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- ~~(9)~~(8) Nonprofit cultural centers.
- ~~(10)~~(9) Municipally owned or operated parking areas.
- ~~(11)~~(10) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- ~~(12)~~(11) Group home with up to six occupants.
- ~~(13)~~(12) Foster care facility with up to six occupants.
- ~~(14)~~(13) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental.
- ~~(15)~~(14) Municipally owned and operated parks and recreation centers.

Section 2: Article VI, **DISTRICT REGULATIONS, Section 134-945** is hereby amended to remove subsection (4) and renumber the remainder, as follows:

Sec. 134-945. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the R-C medium density residential district are as follows:

- (1) Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- ~~(4) Public or private academic schools.~~
- ~~(5)~~(4) Churches, synagogues and other houses of worship.
- ~~(6)~~(5) Supplemental parking.
- ~~(7)~~(6) Nonprofit cultural centers.
- ~~(8)~~(7) Municipally owned or operated parking areas.
- ~~(9)~~(8) Beach houses intended for the use of family and guests only.
- ~~(10)~~(9) Museums occupying buildings of unique value as historical landmarks as determined by the landmarks preservation commission and the town council and for which it is demonstrated that no permitted use is economically viable.
- ~~(11)~~(10) Roof-deck automobile parking.
- ~~(12)~~(11) Group home.
- ~~(13)~~(12) Foster care facility.
- ~~(14)~~(13) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- ~~(15)~~(14) Municipally owned and operated parks and recreation areas.

Section 3: Article VI, **DISTRICT REGULATIONS, Section 134-1000** is hereby amended to add the location in the R-D(1) moderate density residential district where public and private schools are special exception uses to subsection (4), as follows:

Sec. 134-1000. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the R-D(1) moderate density residential district are as follows:

- (1) Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Roof-deck automobile parking.
- (8) Municipally owned or operated parking areas.
- (9) Beach houses intended for the use of family and guests only.
- (10) Group home.
- (11) Foster care facility.
- (12) Municipally owned and operated parks and recreation areas.

Section 4: Article VI, **DISTRICT REGULATIONS, Section 134-1055** is hereby amended to add the location in the R-D(2) high density residential district where public and private schools are special exception uses to subsection (4), as follows:

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the R-D(2) high density residential district are as follows:

- (1) Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Accessory commercial uses to hotel uses.
- (8) Municipally owned or operated parking areas.
- (9) Beach houses intended for the use of family and guests only.
- (10) Hotels.
- (11) Timesharing uses.
- (12) Roof-deck automobile parking.
- (13) Group home.
- (14) Foster care facility.
- (15) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- (16) Outdoor cafe seating for dining purposes related to hotels, condo-hotels and dining rooms provided that all requirements and conditions contained in sections 134-2104 and 134-2108 are met.
- (17) Condo-hotels in accordance with section 134-2110.
- (18) Municipally owned and operated parks and recreation areas.

Section 5: Article VI, **DISTRICT REGULATIONS, Section 134-1109** is hereby amended to add the location in the C-TS town-serving commercial district where public and private schools are special exception uses to subsection (8), as follows:

Sec. 134-1109. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the C-TS town-serving commercial district are as follows:

- (1) Public or private parking lots or storage garages.

- (2) Auto rental lots.
- (3) Private social, swimming, golf, tennis and yacht clubs.
- (4) Service stations.
- (5) Public structures/uses.
- (6) Essential services related to town-owned municipal buildings and structures.
- (7) Supplemental parking per sections 134-2177 and 134-2182.
- (8) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (9) Drive-in business service facilities.
- (10) Churches, synagogues or other houses of worship.
- (11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134- 1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.
- (12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.
- (13) Roof-deck automobile parking.
- (14) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (15) Veterinarian offices above the first floor.
- (16) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.
- (17) Nightclubs.
- (18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.
- (19) Private parks.
- (20) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (21) Restaurants, excluding formula restaurants, as defined in section 134-2 and bars/lounges.

(b) An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

Section 6: Article VI, **DISTRICT REGULATIONS, Section 134-1304** is hereby

amended to remove subsection (4) and renumber the remainder, as follows:

Sec. 134-1304. Special exception uses.

(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial district are as follows:

- (1) Public or private parking lots or storage garages.
- (2) Auto rental lot.
- (3) Supplemental parking.
- ~~(4) Public or private academic schools.~~
- ~~(5)~~(4) Hotels at a maximum of 26 units per acre.
- ~~(6)~~(5) Timesharing uses at a maximum of nine units per acre.
- ~~(7)~~(6) Roof-deck automobile parking.
- ~~(8)~~(7) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1302 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.
- ~~(9)~~(8) Nonprofit cultural centers.
- ~~(10)~~(9) Outdoor cafe seating for only hotels, condo-hotels, dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- ~~(11)~~(10) Condo-hotels at a maximum of 17 units per acre, in accordance with section 134- 2110.
- ~~(12)~~(11) Essential services related to town-owned municipal buildings and structures.
- ~~(13)~~(12) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.

(b) An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

Section 7: Incorporation of Recitals

The above recitals are incorporated as fully set forth herein.

Section 8. Severability.

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

Section 9. Repeal of Ordinances in Conflict.

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

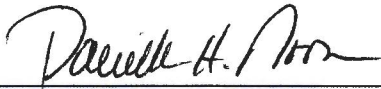
Section 10. Codification.

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

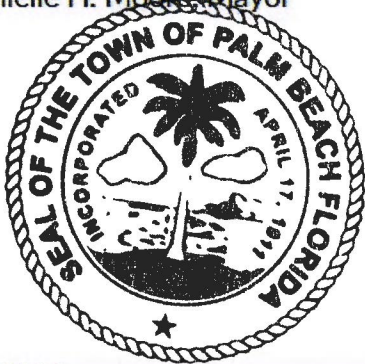
Section 11. Effective Date.

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

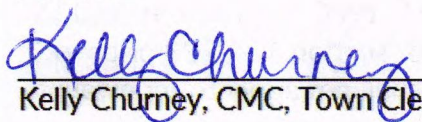
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading on June 11, 2025, and for second and final reading on the 9th day of July, 2025.



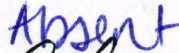
Danielle H. Moore, Mayor



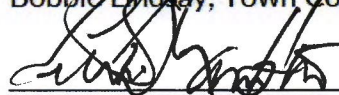
ATTEST:



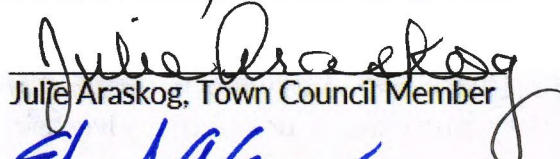
Kelly Churney, CMC, Town Clerk



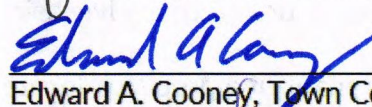
Bobbie Lindsay, Town Council President



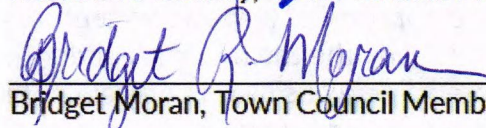
Lewis S.W. Crampton, Council President
Pro Tem



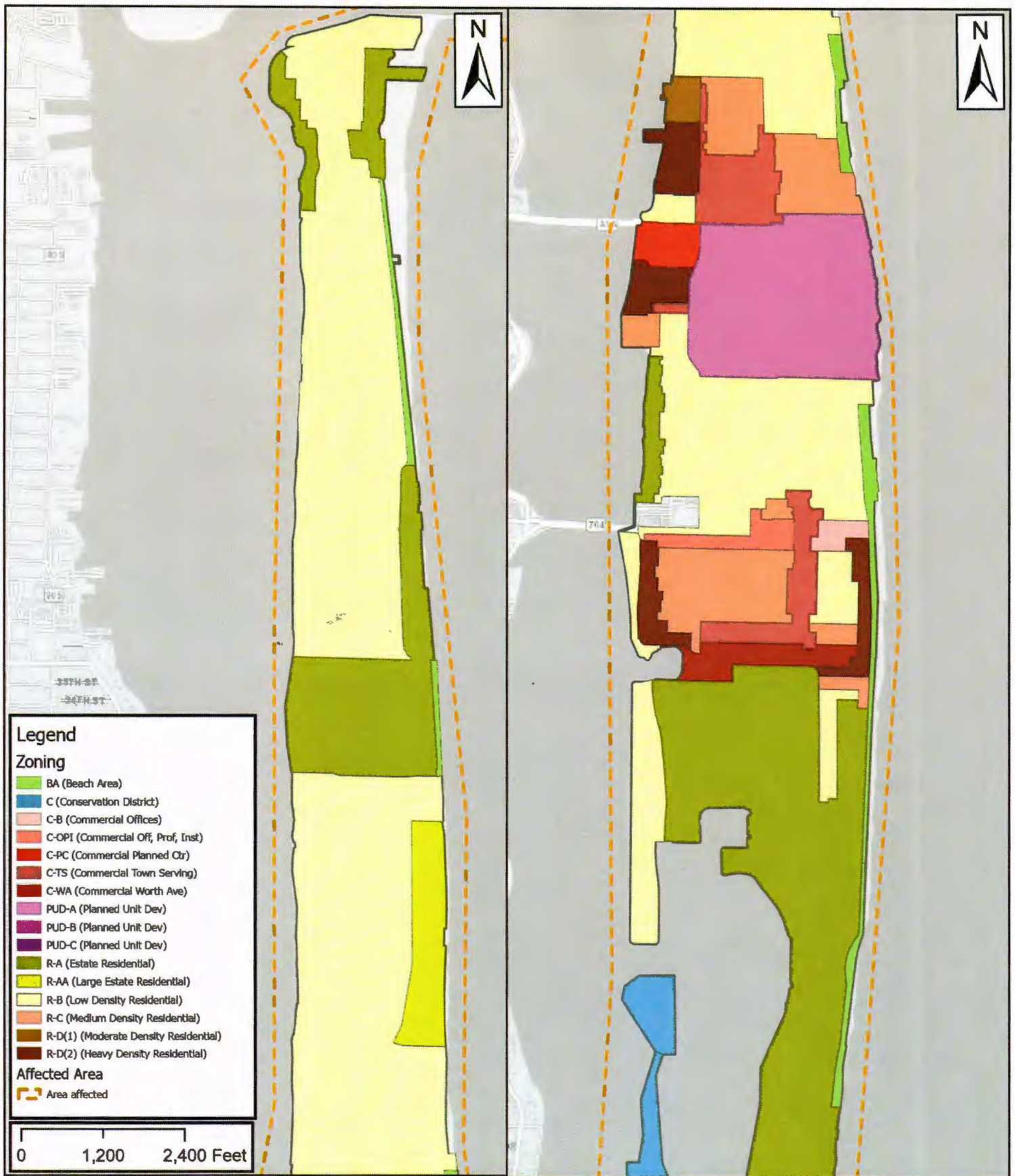
Julie Araskog, Town Council Member



Edward A. Cooney, Town Council Member



Bridget Moran, Town Council Member



Planning, Zoning & Building Department

Phone: (561) 838-5431

Email: pzb@townofpalmbeach.com

Website: <https://www.townofpalmbeach.com>

This map contains approximate locations and information based on current available public records.



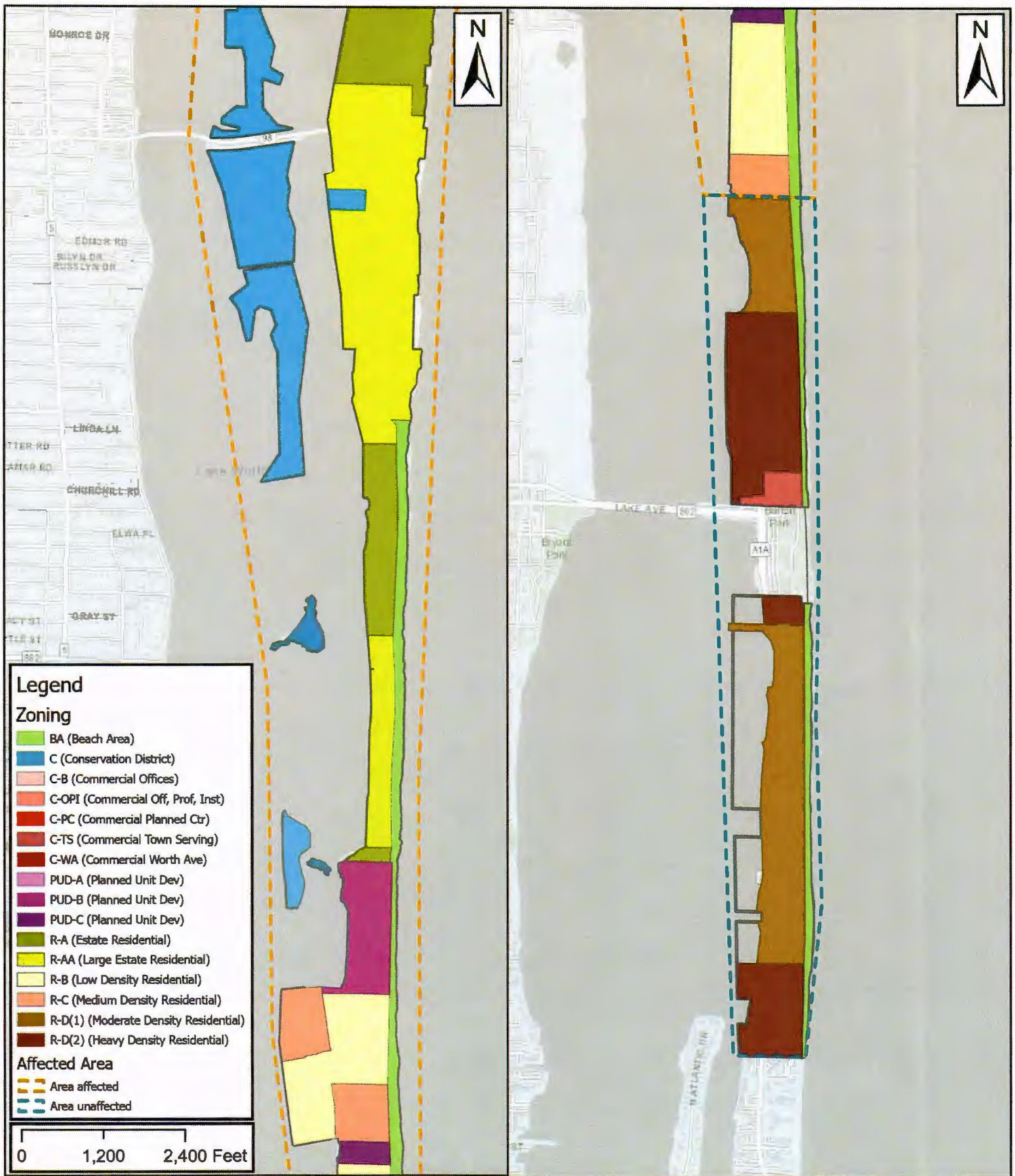
Exhibit A: Affected Area

GIS Department

Map No.
1 of 2

Date

5/22/2025



Planning, Zoning & Building Department

Phone: (561) 838-5431

Email: pzb@townofpalmbeach.com

Website: <https://www.townofpalmbeach.com>

This map contains approximate locations and information based on current available public records.



Exhibit B: Unaffected Area

GIS Department

Map No.
2 of 2

Date

5/22/2025

ORDINANCE NO. 017-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, ARTICLE VI, DISTRICT REGULATIONS, AT DIVISION 4. - R-B LOW DENSITY RESIDENTIAL DISTRICT, SECTION 134-890(13); AT DIVISION 5.- R-C MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 134-945; AT DIVISION 6. - R-D(1) HIGH DENSITY RESIDENTIAL DISTRICT, SECTION 134-1000; AND AT DIVISION 7. - R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT, SECTION 134-1055 TO REINSTATE THE CHANGES MADE BY ORDINANCE 06-2025 REMOVING PRIVATE AND PUBLIC ACADEMIC SCHOOL AS SPECIAL EXCEPTION USES IN CERTAIN RESIDENTIAL ZONING DISTRICTS AND GEOGRAPHIC AREAS OF SAME AND TO CLARIFY THE PRIOR GOVERNMENTAL APPROVAL CONDITION ON A SPECIAL EXCEPTION USE FOR PEDESTRIAN ACCESS TUNNELS TO THE BEACH IN SECTION 134-890; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach has adopted Chapter 134, Zoning, of the Code of Ordinances, to establish comprehensive controls for the development of land in the Town based on the Comprehensive Plan for the Town; and

WHEREAS, Chapter 134 establishes zoning districts for the purpose of protecting, promoting and improving the public health, safety, morals, and the general welfare of the people and convenience of efficient traffic circulation of people and goods; and

WHEREAS, Article VI of Chapter 134 provides for land development regulations for each of the established zoning districts by division that include a list of permitted and special exception uses; and

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

WHEREAS, on May 14, 2025, the Town Council of the Town of Palm Beach adopted Ordinance No. 006-2025 to remove private and public academic schools from the list of special exception uses in the R-B low density residential district, R-C medium density residential district, and C-B commercial district in the central (midtown) and north end of the Town, and as a special exception use south of 2500 South Ocean Boulevard only in the

R-D(1) moderate density residential district, R-D(2) high density residential district, and C-TS town-serving commercial district; and

WHEREAS, on February 11, 2026, the Town Council of the Town of Palm Beach adopted Ordinance No. 035-2025 related to required Code Amendments to maintain consistency with the adopted 2024 Comprehensive Plan, which required Code Amendments that did not pertain to private and public academic schools as special exception uses; and

WHEREAS, Ordinance No. 035-2025 inadvertently failed to reflect the changes made to the residential zoning districts by Ordinance No. 006-2025; and

WHEREAS, in reviewing Section 134-890 of the Code, Town Staff noted that the special exception use for pedestrian access tunnels to the beach in the R-B low density residential district requires further clarification with respect to the prior written governmental approval on which that special exception use is conditioned to make it consistent with the conditions on the same special exception uses in Sections 134-790 (R-AA large estate residential district) and Section 134-840 (R-A estate residential district).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Article VI, **DISTRICT REGULATIONS, Division 4. - R-B Low Density Residential District, Section 134-890** is hereby amended as follows::

Sec. 134- 890. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-B low density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach cabana houses intended for the use of family and guests.
- ~~(5) Public and private academic schools.~~
- ~~(6)~~ (5) Private social, swimming, golf, tennis, and yacht clubs, and houses of worship in existence prior to January 1, 1996.
- ~~(7)~~ (6) Churches and synagogues and other houses of worship.
- ~~(8)~~ (7) Required off-street parking in accordance with subsection 134-2177(3) and supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- ~~(9)~~ (8) Nonprofit cultural centers.
- ~~(10)~~ (9) Municipally owned or operated parking areas.

- ~~(11)~~ (10) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- ~~(12)~~ (11) Group home with up to six occupants.
- ~~(13)~~ (12) Foster care facility with up to six occupants.
- ~~(14)~~ (13) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- ~~(15)~~ (14) Municipally owned and operated parks and recreation centers.

Section 2. Article VI, **DISTRICT REGULATIONS, Division 5. - R-C Medium Density Residential District, Section 134-945** is hereby amended as follows:

Sec. 134-945. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-C medium density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- ~~(4) Public and private academic schools.~~
- ~~(5)~~ (4) Churches, synagogues and other houses of worship.
- ~~(6)~~ (5) Supplemental parking.
- ~~(7)~~ (6) Nonprofit cultural centers.
- ~~(8)~~ (7) Municipally owned or operated parking areas.
- ~~(9)~~ (8) Beach cabana houses intended for the use of family and guests only.
- ~~(10)~~ (9) Museums occupying buildings of unique value as historical landmarks as determined by the landmarks preservation commission and the town council and for which it is demonstrated that no permitted use is economically viable.
- ~~(11)~~ (10) Roof-deck automobile parking.
- ~~(12)~~ (11) Group home.
- ~~(13)~~ (12) Foster care facility.
- ~~(14)~~ (13) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- ~~(15)~~ (14) Municipally owned and operated parks and recreation areas.

Section 3. Article VI, **DISTRICT REGULATIONS, Division 6. - R-D(1) High Density Residential District, Section 134-1000** is hereby amended as follows:

Sec. 134-1000. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the R-D(1) high density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Roof-deck automobile parking.
- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.
- (10) Group home.
- (11) Foster care facility.
- (12) Municipally owned and operated parks and recreation areas.

Section 4. Article VI, **DISTRICT REGULATIONS, Division 7. - R-D(2) High Density Residential District, Section 134-1055** is hereby amended as follows:

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter.

The special exception uses in the R-D(2) high density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Accessory commercial uses to hotel uses.
- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.
- (10) Hotels.
- (11) Timesharing uses.
- (12) Roof-deck automobile parking.
- (13) Group home.
- (14) Foster care facility.
- (15) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- (16) Outdoor cafe seating for dining purposes related to hotels, condo-hotels and dining rooms provided that all requirements and conditions contained in sections 134-2104 and 134-2108 are met.

(17) Condo-hotels in accordance with section 134-2110.

(18) Municipally owned and operated parks and recreation areas.

Section 5. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 6. Severability.

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

Section 7. Repeal of Ordinances in Conflict.

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

Section 8. Codification.

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

Section 9. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading on June 10, 2026, and for second and final reading on the 15 day of July 2026.

Danielle H. Moore, Mayor

Edward A. Cooney, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Bridget Moran, Town Council Member

Kelly Churney, CMC, Town Clerk

Nicki McDonald, Town Council Member