

TO: Mayor Danielle Moore and Town Council Members, Margaret Zeidman, Chair  
Planning and Zoning Commission Members, Gail Coniglio, Chair  
Wayne Bergman, Director of Planning, Zoning & Building  
James Murphy, Deputy Director of Planning, Zoning & Building  
Jennifer Hofmeister, Planner III

FROM: Sean Suder, ZoneCo, Project Manager  
Joseph Helferty, ZoneCo

DATE: November 1, 2023

RE: Town of Palm Beach Zoning Code Review – Residential Districts Study Draft

---

In furtherance of our review and study of the Palm Beach Zoning Code, we are pleased to provide you with a study draft of the six Palm Beach residential districts. We have maintained the existing names of the districts and their map boundaries, with the addition of three subareas in the R-B district. All six districts have been reformatted, restyled, and simplified for ease of use and administration.

Residential use tables have been revised. Existing institutional and civic uses have been removed for inclusion in a new civic and institutional district to be studied. Accessory uses are delineated as either enclosed or unenclosed and their location and standards are addressed in each residential district. All existing standards have been carried forward in all residential districts except the R-B district, which warrants and has received the most review and study. Further study of the R-D(2) district is warranted as the charrette findings indicate that this district is ripe for change.

The following focuses specifically on the R-B district study draft:

Through our research of historic North End development patterns, we determined that on-going frustrations of the far North End residents can be attributed to the current one-size-fits-all approach to R-B zoning. The current approach treats the scale of development on smaller lots fronting narrower streets the same as larger lots fronting wider streets. This one-size-fits-all approach is at the root of the problem of new house scale in the North End, particularly in the far North End. In our August 21, 2023, memo on historic North End development patterns, we concluded that “the North End requires a more nuanced approach that respects historical and existing development patterns specifically calibrated to street widths, lot sizes, setbacks, and open space.”

To that end, we have studied and workshopped potential solutions that maintain current property rights while re-calibrating standards that are more sensitive to the interaction between the private and public realms.

This memorandum provides a narrative explanation of our findings to be read in conjunction with the enclosed draft R-B study district.

## **Guiding Principles**

The following principals guide our study:

1. Property rights should be maintained or enhanced.
2. The traditional neighborhood character of the R-B district should be maintained and promoted.
3. The overall percentage of impervious surfaces on a lot should be maintained or reduced.
4. Front and side yard setbacks should not include structures.
5. Rear yard setbacks should be primarily open space with limited encroachment by accessory structures.
6. The public and private realms must work together to form the character and feel of a neighborhood.
7. Development standards should be specifically calibrated to street widths.

## **Establishing New Subareas**

Rather than creating new base zoning districts and necessitating the rezoning of hundreds if not thousands of properties, we have studied establishing three subareas within the R-B district. We have identified three subareas to be mapped based on existing development patterns: Subarea A (Interior Lots); Subarea B (Sea Streets); and Subarea C (all other areas currently zoned R-B but not in Subareas A or B). A map of the subareas is included in the study draft. Standards are calibrated to each Subarea based on its existing and desired development patterns as set forth in the study draft.

## **Establishing the Lot**

There are approximately 1,153 inland lots in the North End ("Inland Lots" are between Lake Way and Ocean Way/Ocean Drive). All Inland Lots are established by subdivision plat and are on average 12,500 square feet in area. The entirety of the interior North End is already platted and any changes to lots would be through consolidation. To maintain the traditional neighborhood character and feel of the R-B district, respect historic development patterns,

and prevent the R-B district from becoming an estate district with large estate homes on larger lots, additional lots should not be created (i.e. subdivided) from existing lots unless the resulting area of the lot is less than 20,000 square feet.

## **Establishing the Residence Area**

The location of a new residence is a significant factor in whether it complements the character and feel of a street's existing development pattern. The Esplanade Estates subdivision (1925) provides guidance for how the location of a residence on a lot was historically determined. That subdivision plat identified a "residence area" on each lot. This area formed the boundary for the residence footprint, ensuring that no residential structure encroached on any portions of the setbacks. Detached garages were allowed only in a dedicated area in the rear yard and rear setback of a lot. Setbacks were used for open space, grass, landscaping, and driveways.

We carried forward this historic North End concept in the study draft. By incorporating the concept of a "residence area" in the R-B district, we have defined the buildable area for all aspects of the residence, including outdoor living/open space, patios, pools, etc. associated with the residence and have preserved setbacks. A portion of the residence area may be used for a building and a portion must be used for outdoor living/open space. A courtyard residence could extend to the boundaries of the residence area as long as the required minimum open space is provided in a courtyard. Rear and side yard setbacks remain largely unchanged. A portion of an accessory structure may encroach into the rear setback, and accessibility improvements such as stairs may encroach into the front, rear, and side yard setbacks to the extent necessary for accessibility.

Front yard setbacks are determined by the width of the street. For example, a street of a width of 25 feet or less would have a setback of 20 feet to establish an approximately 1:1 ratio of front yard setback to street width. A street of a width of greater than 25 feet would have a setback of 30 feet to establish a 1:1 ratio of front yard setback to street width. One may ask why a narrower street would have a smaller setback than a wider street. The answer lies in the maximum heights of the buildings, which is also determined by street width. Put simply, lower buildings do not impose as greatly on the street, so they can be closer to the street with less impact. Taller buildings impose more on the street, so they should be set back further from the street to reduce their impact.

To establish a 1:1 ratio of building height to street width, a residence located on a narrow street of 25 feet or less would have a maximum height of 22 feet. This would allow for a one-story house on these streets. A residence located on a wider street of more than 25 feet would have a maximum height of 32 feet, which would allow for a two-story house.

In the case of a house on a 10,000 square foot lot on a narrow street, the residence area coupled with the setback and height limits would allow for a one-story house of approximately 3,000-3,500 square feet (FAR ~ .35). A two-story house could be accommodated on a narrow street lot if an applicant demonstrates to the Architectural Commission that it satisfies the criteria set forth in the study draft, which, *inter alia*, including a 35-foot front yard setback.

On a wide street, an approximately 3,500-4,000 square foot (FAR ~ .35) two-story residence would be accommodated when accounting for residence area, setbacks, and height limits. Maintaining relative parity of development rights, while controlling for context-sensitive development, is important so as not to penalize any property owner for the width of their street – which is outside of their control.

### **Establishing the Accessories**

Enclosed accessory structures such as a pool house, cabana, detached garage, and the like must be included within the residence area, but up to 25% of any structure's gross floor area may extend into the rear yard if it is setback at least ten feet from the rear or side lot line. Enclosed accessory structures may not be located in front or side yards. Unenclosed accessory structures, such as a trellis, may be in any yard subject to appropriate and reasonable setback and height standards to reduce or eliminate any impacts on neighboring properties.

### **Establishing Open Space**

Outdoor living is an important aspect of life in Palm Beach. Open space is required both within and outside of the residence area. Within the residence area, there are no prescriptions for what occurs within the open space. It just cannot be structures. Outside of the residence area, open space must be landscaped or grass. Only a portion of the front yard may be paved for a driveway.

### **All Together**

Taken all together, the draft study district controls the location of new residences, their overall size and scale, and their context relative to the public realm. This approach to land use regulation provides certainty of outcome to both the property owner and neighboring property owners, while also maintaining valuable property rights.

We look forward to robust Town-wide engagement and discussion of this study draft.

## Potential Preliminary Questions and Responses:

1. Why are institutional, civic, and private club facilities not included as uses in the single-family districts?

We removed the institutional, civic, and private club uses from all residential zones in favor of including such uses in a new institutional/civic zone. This way, development standards for the use and expansion of these facilities can be addressed specifically outside of the residential regulatory framework.

2. Why not just restrict what one can build to a certain square footage?

One-size-fits-all requirements such as a maximum square footage are difficult to defend and encourage variances. A more defensible approach is to establish standards that ultimately achieve the same outcome through defensible standards that control setbacks, height, and lot coverage.

3. Why not just restrict narrow-street development to one-story houses?

We are studying whether and how to permit similar development rights on lots fronting narrow and wide streets while establishing development standards that maintain and promote context-appropriate building scale.

4. What is the meaning of the terms in this draft?

Please see the below glossary for definitions of terms specific to this residential district study. These are not final definitions, and further revisions may be made once the full code glossary is fully reviewed and revised.

## GLOSSARY SPECIFIC TO RESIDENTIAL DISTRICTS STUDY

**Accessory use or building or structure** means a subordinate use or structure customarily incidental to the principal use or structure located on the lot or located on a contiguous lot when a unity of title has been provided.

**Accessory, beach** means an accessory use or structure related to the use of, or access to the beach, such as beach house or beach access tunnel.

**Accessory structure, unenclosed** means a structure that is customarily incidental and subordinate to a dwelling that is not enclosed by a wall on at least one side such as a pergola or trellis.

**Accessory structure, enclosed** means a structure that is customarily incidental and subordinate to a dwelling that is enclosed with a wall or doors on all sides, including, but not limited to, a pool house/cabana, detached garage or carriage house, or indoor nursery/greenhouse.

**ARCOM** means the Town of Palm Beach Architectural Commission.

**Beach access tunnel** means a private pedestrian tunnel connecting a lot to the beach.

**Beach house** means a permanent structure which may contain a bathroom and other rooms, but not a kitchen or any sleeping rooms, and not used as a dwelling unit.

**Building coverage** means the percentage of lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

**Building footprint** means the area of the finished ground level of a building that is enclosed by the external walls of a building.

**Director** means the Director of Planning, Zoning, and Building for the Town of Palm Beach, or their designee.

**Dwelling** means a building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, mobile homes, hotels, motels, motor lodges, boardinghouses and lodging houses, tents, tourist courts or tourist homes.

***Dwelling, group*** means a facility, licensed, or funded by the state department of children and family services, providing a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents.

***Dwelling, multi-family*** means a building or portion thereof used or designed for multiple dwelling units for three or more households living independently of each other, having individual living units with each dwelling unit having cooking facilities and containing a living room and/or one or more bedrooms.

***Dwelling, single-family*** means a dwelling designed and used exclusively for residential purposes by one household.

***Dwelling, two-family*** means a dwelling designed for two attached dwelling units used exclusively for residential purposes by two households living independently of each other.

***Dwelling, townhouse*** means an attached building, not over two stories in height, which is designed for or occupied exclusively by one individual or household and attached to two or more other buildings of similar design and in which each dwelling unit is separated from adjacent dwelling units by party walls extending vertically from the ground upward through the roof in a manner so that there shall be no interconnection of or overlapping between any part of individual dwelling unit walls, floors, roofs, basements or other portions of the building structure, and in which each dwelling unit shall have separate and individual sewer, water, and public utilities connections. Townhouses may or may not be located on land belonging exclusively to the individual dwelling unit owner.

***Dwelling, unit*** means a room or group of rooms designed, used exclusively, or occupied, as separate living quarters by a single household.

***Façade articulation*** is the manner or method of jointing parts of a building façade such that each part is clear and distinct in relation to the others, even though joined.

***Front yard planting*** means landscaping including beautification strips, hedges, trees, planted ground cover, sodded, and grassed areas and planted floral installations, all of which must be composed of natural plantings only as distinguished from artificial manufactured planting reproductions.

***Garage, private*** means a building or space used as an accessory to or part of a main building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

**Garage, door** means any point of vehicular access to a garage.

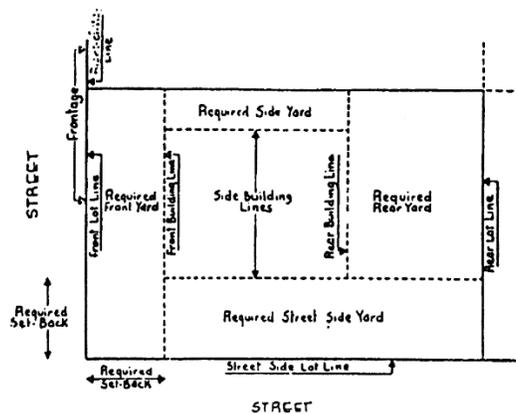
**Impervious surface** means those surfaces which prevent, impede, or otherwise limit the natural infiltration of water into the earth, such as asphalt, concrete, or roofed areas.

**Incidental services** means establishments providing goods or services to the residents of a residential multi-unit building, including, but not limited to sundry shops, delicatessens, cafes, personal service shops, and similar uses intended to primarily serve the residents of the building.

**Landscaped open space** means open space which is covered and maintained with natural growth in a permeable soil.

**Lot coverage** means that percentage of the lot area covered or occupied by the buildings or any part of the buildings, excluding therefrom any projections permitted to extend into yard areas elsewhere by this chapter.

**Lot, corner** means a lot abutting upon two or more streets at their intersection which is illustrated as follows:





**Disclaimer:** Although some ZoneCo professionals are also attorneys who may be separately engaged to provide legal representation in states where we are licensed to practice law, ZoneCo is not a law firm. ZoneCo professionals do not provide legal representation or services and are not engaged in the practice of law in any jurisdiction. Engaging ZoneCo does not form an attorney-client relationship and, as such, the protections of the attorney-client relationship do not apply. If you wish to create an attorney-client relationship, you are encouraged to contact an attorney of your choosing.