

ORDINANCE NO. 005-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ADOPTED 2017 TOWN OF PALM BEACH'S COMPREHENSIVE PLAN, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AMENDING THE GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT WITHIN THE COMPREHENSIVE PLAN; AMENDING THE TOWN OF PALM BEACH COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT POLICY 2.3.6 RELATED TO THE PRIVATE GROUP USE FUTURE LAND USE DESIGNATION; AMENDING POLICY 2.3.6 TO REMOVE THE MAXIMUM LOT COVERAGE AND TO ALLOW, IN LIMITED CIRCUMSTANCES, THE MAXIMUM BUILDING HEIGHT TO BE THREE STORIES WITH TOWN COUNCIL APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITHIN; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, known as the Community Planning Act (the "Act");

WHEREAS, on August 9, 2017, the Town of Palm Beach amended its Comprehensive Plan based on the Town's Evaluation and Appraisal of the Comprehensive Plan with the adoption of Ordinance No. 9-2017; and

WHEREAS, pursuant to Town Code Section 86-51, in accordance with Section 163.3174, Florida Statutes, the Town Council of the Town of Palm Beach is hereby designated and established as the Local Planning Agency for the incorporated territory of the Town of Palm Beach; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the process for amending a comprehensive plan, which is not a small-scale development amendment nor a plan amendment

within an area of critical state concern, shall follow the expedited state review process for adoption of comprehensive plan amendments; and

WHEREAS, on January 10, 2024, the Town of Palm Beach received a privately initiated development review application to amend the Town of Palm Beach Comprehensive Plan Future Land Use Element Goals, Objectives and Policies that relate to the Private Group Use Future Land Use designation; and

WHEREAS, on March 5, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the proposed text amendments (“Amendments”) to the Future Land Use Element of the Comprehensive Plan and recommended to the Town Council that the Amendments be approved; and

WHEREAS, on March 13, 2024, pursuant to Section 163.3174(4)(a), Florida Statutes, the Town Council acting as the Local Planning Agency conducted a public hearing wherein it considered the recommendations of the Planning, Zoning and Building Department and the Planning and Zoning Commission regarding the Amendments to the Future Land Use Element of the Town of Palm Beach Comprehensive Plan; and

WHEREAS, the Town Council has determined that the proposed Amendments to the Comprehensive Plan Future Land Use Element promote the public health, safety and welfare and are consistent with the requirements in Florida Statutes, and all elements of the adopted Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3184(11), the Town Council has affirmatively voted to transmit the Amendments to the Florida Department of Commerce and appropriate reviewing agencies for their respective review(s).

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

Section 1. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 2. Amendment of the Comprehensive Plan.

The Town of Palm Beach Comprehensive Plan, set forth in Ordinance No. 9-2017 of the Town of Palm Beach, is hereby amended to amend Future Land Use Element Policy 2.3.6 as follows and as set forth in Exhibit “A”, a copy of which is attached hereto and incorporated herein:

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories.~~

~~**b. Maximum lot coverage shall be 40%.**~~

e.b. In limited circumstances (~~Commercial Worth Avenue (C-WA) zoning district~~), the maximum building height ~~may shall~~ be three stories (**with Town Council approval**).

Section 3. Transmittal.

The Town Clerk is hereby directed to transmit the required copies of the Amendments to the Town's Comprehensive Plan to the Florida Department of Commerce and all other parties as required by Section 163.3184(3)(c)2, Florida Statutes.

Section 4. 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 5. 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 6. Codification.

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

Section 7. Effective Date.

This Ordinance shall take effect 31 days subsequent to its enactment on second and final reading, 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 this (date) day of (Month), (year), and for second and final reading this (date) day of (Month), (year).

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

EXHIBIT A

OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

- 2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies:
 - a. “Town-serving” shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those in the “Commercial – Office, Professional & Institutional” (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-feet or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition.
 - b. “Town persons” shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.
- 2.3.2 Conservation – Intended to preserve and protect unique natural areas and submerged land from development and the negative impacts of public use. No development or redevelopment is permitted on or over land designated in this category, with the exception of docks, essential services or parks owned and operated by the Town.
- 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/ residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.
 - a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.
 - b. Except for uses located in the Worth Avenue zoning district (C-WA), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross

EXHIBIT A

Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met.

- c. Maximum lot coverage for non-residential uses shall be 75%.
- d. In limited circumstances, the maximum building height shall be three stories.

2.3.4 Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.

- a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc., of a scale and intensity necessary to primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.
- b. The designation of a property for Public use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential and Commercial land use categories.

- c. Maximum lot coverage shall be 40%.
- d. In limited circumstances, the maximum building height shall be three stories.

2.3.5 Public Recreation – Intended to provide for low intensity public recreational uses or activities, natural resource and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons. Only public facilities owned, operated, franchised, or supervised by a public governmental entity are given this designation.

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories.~~

b. ~~Maximum lot coverage shall be 40%.~~

~~b. e.~~ In limited circumstances ~~(Commercial Worth Avenue (C-WA) zoning district)~~, the maximum building height may ~~shall~~ be three stories (with Town Council approval).