



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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October 22, 2024

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SUBJECT: PLANNING, ZONING, & BUILDING DEPARTMENT STAFF COMMENTS ON ZONECO DRAFT 09-30-24

Sean: See comments below:

1. **MEMO**

- P 4 Prohibiting changes to lot typography to raise the grade to meet BFE requirements townwide. (JGM)
- P 4 prohibited materials....create design standards>?< (JGM)
- P 4 Front porch encroachment (good, what %?)(JGM)
- P 4 Essential services as SE. Why? *Essential services* means public utility facilities related to water supply, telephone, cable television, gas and electrical distribution systems, town-owned town-operated services such as sanitary sewer, stormwater drainage and solid waste collection and disposal systems, and town-owned municipal buildings and structures, including any necessary appurtenant structures serving the town, but not including buildings housing employees. (JGM)
- P 4 sidewalk sales ...outdoor cafes on sidewalks? (JGM)
- P 4 allowable encroachments (See ARTCILE III) (JGM)
- P5 Removal of angle of vision-GOOD (one-story structures for sure) (JGM)
- P5 Removal of building height plane-neutral (JGM)
- P5 Removal of CCR-GOOD (JGM)
- P 5 introduction of maximum impervious surface coverage- NOT CONVISED ON THIS, prefer open space and lot coverage (JGM)
- P 6 building footprint? Lot coverage? (JGM)
- P 6 second floor and third floor is not LOT COVERAGE, globally correct. Floorplate, extra stepback, Ratio, etc...(JGM)
- P 6 shared access in South End—Beachwalk? Lake trail? (JGM)
- P 6 beach and pool cabanas and private outdoor sports as a right-NO (JGM)
- P 6 simplification of use -VERY GOOD (JGM)

- P 8 PWD parking standards -remove! (JGM)
- P 8 PWD ZONING more standards on private property front yard (curb cuts, driveways, etc) (JGM)
- NO mention of resiliency standards? (JGM)
- NO mention of design standards? (JGM)
- NO mention of the variance changes (JGM)
- Uniform APPEAL procedure (JGM)
- Generally, this should be presented in strikethrough and underline format with all of the scattered and mixed up code sections on municode consolidated with one another within their districts (JGM)
- Why not recommend, as the consultant, the creation of a Board of Zoning Adjustment? WRB
- Will an update to the Worth Avenue Design Guidelines be made? Will it be added into the zoning code? WRB
- Not a fan of the director counting required parking on the street within 400' of a use. WRB
- Convex safety mirrors on busy streets? WRB
- No black or gray roofs? Variance? WRB
- Not a fan of removing the tried and true "town-serving" standard from special exceptions. WRB
- Why not recommend, as the consultant, the creation of a Board of Zoning Adjustment? (WRB)
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- Page 2 – Article I should remain In General, no need to provide helpful guide within the document. Can be an additional resource under sperate cover. (SCP)
- Page 3 – Curious why BOA although not desired by Town would not be recommended by the firm as a valuable tool in aiding a broken code. (SCP)
- Page 5 – Conservation district and Beach Area should not be carried forward but rewritten to prepare for future conditions and resiliency (SCP)
- Pg 1 paragraph #1 what is anticipated date for public review (FHM)
- Pg 1 Bullet points: - streamlined - user friendly -effective (FHM)
- Pg 4 why/how prohibit changes to lot topography (FHM)
- Pg 5 disagree with height of accessory being just 2' under primary (FHM)
- Pg 5 need to define landscape for 45% front yard (FHM)
- Pg 6 disagree that second floor should be max 90% of gross first floor (eliminates some architectural styles) (FHM)
- Pg 6 need definition of "courtyard" residence (FHM)
- Pg 6 why 3-5 townhomes? Where did that number come from? (FHM)

- Pg 6 if Peruvian Ave will be utilizing Worth Ave guidelines do, they need to be updated? (FHM)
- Pg 8 Director discretion to count on-street parking...should be allowed or not (FHM)
- Pg 8 bullet of no parking in first 20' feet of driveway and driveways must be at least 22' seems incompatible (FHM)
- Pg 8 no black or dark gray asphalt shingles...hmmm but charcoal/black tile is, ok? (FHM)
- Pg 9 need to clarify access to green roofs (FHM)
- Pg 9 no artificial turf anywhere? (FHM)
- Pg 9 retractable awnings should also not count (FHM)
- Pg 9 really prohibition of hard request sports in single unit residential districts, seems extreme (FHM)
- Pg 9 bullet points of 25' pool equipment separation and side yard setbacks duplicated (FHM)
- Pg 9 no unfinished materials, what about coral or stone? (FHM)
- Pg 9 no variance for nonconformities, seems extreme (FHM)
- Pg 10 happy to see PB acre aligned with real measurement (FHM)
- Pg 13 need building height definition and continued discussion of cornice etc. (FHM)

2. **TABLE OF CONTENTS**

- Article II: Districts change to The Cultural Institution District rather than Cultural Institutional Districts (jhd)
- Article III: Generally Applicable Standards - Remove Distribution Electric Substations (jhd)
- Article V should be Article II (jhd)
- Article VI should be Article III (jhd)

3. **INTRODUCTION & USING THIS CODE**

- Purpose and Intent – Change to §163.3202, Fla. Stat. (jhd)
- Districts – Table 134.4(i) change Single-unit and Multi-Unit to Single-family and Multi-family throughout the document (jhd); Consider removing Gateway from the Royal Palm Gateway District as it implies a gateway for non-residents (jhd)
- (d) Measuring setbacks – Do we really want the Director to determine the setbacks for irregular shaped lots? (jhd)
- (e) Corner lots – Extra period at the end of the sentence (jhd)
- Section 134-9 Uses Generally - Permitted uses should not be conditioned. Only special exceptions are conditional (jhd)
- What area sidewalk sales? If having kiosks on the sidewalk, that would not be welcomed. (jhd)
- General comment that I realize has been discussed.... what software/format will this be published in? Helpful in terms of layout feedback and some content. Ex. Way currently presented as stand-alone document should have more contact information and smaller font on pages 2-3 (FHM)
- Generally, please incorporate suggestions from memo comments (FHM)

- Pg 6 single unit (cross referenced with definition on pg 161) do we account for # of kitchens, related persons etc.? I see it on pg. 17 134-16 (c) but do we like that? (FHM)
- Pg 7 building height.... we have been having issues with this definition regarding cornices and parapets (FHM)
- Pg 9 combine diagram into one (FHM)
- Pg 8-9 need continued clarity on “front” address/door/narrowest point of lot etc. (FHM)
- Pg 12 see notes above re topography (FHM)
- Pg 13 see notes above re material (FHM)
- Pg 14 graphic? Better flowchart/design needed and links (FHM)

4. **THE PALM BEACH RESIDENTIAL DISTRICTS**

- Accessory Uses and Structures in Residential Districts – (f) applicable is misspelled (jhd)

5. **R-A / AA**

- NEW; S1.2 zoning legend not filled out, LOS proposed.
- 134-18: Page 18 This section references “acre”. TOPB has its own definition of acre (40,000 sq ft). Should the word acre be changed to reference square footage? One- and one-half acre = 60,000 sq ft PB acre vs 65,340 sq ft regular acre. (bmf)
- 134-20: Page 18 Impervious Surface Coverage – Are structures included in this calculation? I think it is helpful to break up what is building coverage, what is hardscape/improved coverage (pervious drives/ribbon drives/pools/fountains/gravel equipment yards) and what is landscape open space. Under current regulations: Previous pavers count as hardscape and not landscape open space as proposed. Water features (Swimming pools and fountains) currently do not count as landscape open space and are proposed to be included. (This comment is for all zoning districts). (bmf)
- Page 18 - *pervious paver systems and swimming pools in current code do not count toward pervious calculations. Should this be changed it should be clearly outline withing definitions under pervious and impervious materials for clarity and avoid gray areas as the code currently has several. (SCP)
- Sec. 134-20 Lot and Development Standards – Consider having separate tables for R-AA and R-A (jhd)

6. **R-B**

- Generally, how does this address the problem of the RB lots. I still believe the district (dry interior lots) should have design and context standards that can be waived by ARCOM(JGM)
- Context of surrounding houses on street determined height, styles, footprint, setbacks. (JGM)
- Bring back the waterfront lot district R-water?
- Reintroduce CCR but eliminate all exceptions to same (JGM)
- Powers to ARCOM(JGM)
- Design compatibility, context. (JGM)
- SF (unit size) and lot coverage as immediate area(JGM)
- Design standards(JGM)

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- Resiliency standards(JGM)
 - No lot coverage? Reintroduce. (JGM)
 - No open space? Reintroduce. (JGM)
 - P21 Sec 134-24 courtyard residences, I like the thinking (JGM)
 - P 22 134-26 Sea Street Overlay not Exceptions.
 - 134-16(a) – Add “.... and structures ...” (WRB)
 - 134-20, 134-23, 134-27(a)(b) and (c), and 134-30(a) – Add density maximums. Why was landscape open space removed? Why was lot coverage removed? (WRB)
 - Sec. 134-23: Page 19-20 Intro: “Sea Streets” is mentioned, but should we write out “Seaview, Seaspray, Seabreeze” for the layman (even though most people know what “sea streets” means)? Other streets in R-B district start with “sea” or are named after a “sea” (i.e. Indian, Arabian, Caribbean, Mediterranean, Chilean, Coral, Seagate).(bmf)
 - Table 134-14(i): Page 19-20 Implementing lot area maximums might be problematic (bmf)
 - Table 134-14(ii): Page 19-20 Two story setbacks. Does this apply to entire building? Or only to second story? Currently, only applies to the second story. Do we want to increase rear yard setbacks from 10/15 existing to 25/35 feet proposed? What does 10’ wide perimeter landscaping mean? Is this effectively creating a setback for hardscape? (bmf)
 - 134-24 – Rather than promoting courtyard residences, can we simply propose incentives for one story buildings? (ALF)
 - Sec. 134-25 Page 21 Eliminate requirements for varied roof heights. ARCOM pays close attention to this. Might not be appropriate for this particular section but do we need a codified regulation for incorporation of “parapets” with sloped roofs (e.g. dutch gables and some regency examples). PC permits 18” parapet height above slope roof as a rule, but it is not codified anywhere. (bmf)
 - Sec-134-26 Page 22 (a)(2): Appears to be a typo: “Where the existing footprint of any principal or accessory structures is located within five feet (5') of a side or rear lot line, the replacement footprint shall not be located a minimum of five feet (5') from such lot line...”(bmf)
 - My feeling is the Sea Streets should be removed from the tables and done as a separate sections outlining in detail their map, area and lot standards. (SCP)
 - P 22 – Per my previous comment move entirety of Sea Street lot standards and exceptions to this area and label regulations not exceptions. (SCP) Agreed No more exceptions to rules but rather the rules. (jhd)
 - P 23 – my preference would be for the removal of porch/patio and driveway. Focus on the building footprint as a diagram specifically with the unclear landscape open space * which notes possible open space counted with pervious paves (SCP)
 - R-B District Lot and Development Standards Table 134-23 (i) create two tables one for R-B and one for R-B Sea Streets (jhd))
 - Pg 21 do people still build courtyard residences? Massing to neighbors is the same as if entire volume filled (FHM)
 - Good Sea Streets exception but maybe could incorporate requirement of architectural details of lost building and reuse of materials not just any building on the streets (FHM)

7. **R-C**

- 134-27 – Consider addressing the issue that the minimum lot width and depth does not result in the minimum lot area. (ALF)
- Separate R-B and R-C because the purposes are different. R-C has both attached and detached. (jhd)
- R-C District Lot and Development Standards. Not consistent with the purpose of R-C related to attached and detached. (jhd)
- Table 134-27 Why was 13,333 sf chosen for the minimum lot area? (jhd)
- (d) Townhouse Group Development Standards – use townhouse group not structure group (jhd)
- Pg 29 commercial district into image...where is this from? (FHM)
- Pg 33 arcades/colonnades max 16'? Seems low. Can we require plant material? (FHM)

8. **R-D1 / D2**

- Generally, South End will be the district that is most likely to experience most change in the future—missed opportunity addressing its needs. (JGM)
- South End survey (JGM)
- No other changes? (JGM)
- Design standards(JGM)
- Resiliency standards (JGM)
- BASEMENT /GARAGE (JGM)
- (JGM)
- Separate R-D(1) and R-D(2) (jhd)
- (c) End the sentence after prohibited. The use of roofs for recreational activities and resident amenities is prohibited; ~~provided, however, that such prohibition shall not include the use of the roof of a parking structure that is not higher than twenty feet (20') above the average grade.~~ (jhd)
- Table 134-30(i) separate tables for R-D(1) and R-D(2)

9. **COMMERCIAL**

- Open space? Remove? (JGM)
- Lot coverage upper stories -No stepback or floorplate(JGM)
- DESIGN Guidelines (WADG—correct and edit) (JGM)
- Storefront Guidelines(JGM)
- 134-4 - Return Town-Serving District, not Town Commercial District. (WRB) Agreed (jhd) One commercial district should not be the only with the word “commercial” (jhd)
- 134-37(g) – Should new arcades / colonnades be permitted? (WRB)
- Introduction to the Commercial Districts -There is an extra space in between commercial and uses (jhd); replace “inhabitants” with Town residents (throughout the document) (jhd)
- Accessory Uses and Structures in Commercial Districts – List permitted accessory uses. Cannot have it up to the discretion of the Director (jhd)
- Table 134-34(i) – dining should be restaurant, no new hotels! (jhd)

- Commercial Districts Development Standards – If no residential density is allowed in the C-RP district state n/a. The lot coverages need to be reevaluated (jhd)
- Pedestrian walkways – 10 feet is too wide. Not a multi-modal Town (jhd)
- Permitted Architectural Features in Commercial Districts - Move the towers to this section also (jhd)

10. THE CULTURAL INSTITUTIONAL DISTRICT

- Lot and Development Standards - Table 134-42(i) Add 7 acres to the minimum Campus Area (jhd)
- Off-Street Parking in the CI Cultural Institution District – Move all off-street parking to new Parking Code (jhd)
Signs in the CI Cultural Institution District – Move all signage regulations to the Sign Code (jhd)
- Pg 40 can electronic signs exist/change if slow not blinking? (FHM)

11. BEACH AREA DISTRICT

- 134-50 Purpose and Intent – The Beach Area District is also adjacent to C-B and the City of Lake Worth Beach casino(jhd)
- Permitted Uses and Structures - (B)? Be consistent with how referencing this District throughout the document, B or Beach Area (jhd)
- (f) Beach is misspelled(jhd)
- Special events as approved by the Town on a case-by-case basis – Special Events are not a structure or a use(jhd)
- Development Standards and Limitations for Areas of the B Beach Area District Adjacent to the R-B Districts - Why do we want to continue to have different regulations for the Beach Area due to being adjacent to varying residential districts? (jhd)
- 134-53 – Consider adding regulations that prohibit ‘spiky’ fencing and gates for beach access. (ALF)
- Pg 43 address beach gate access height (FHM)

12. SUPPLEMENTAL REGULATIONS

- AC equipment (JGM)
- Accessory structure (JGM)
- Sec. 134-56 Purpose and Intent – Purpose is misspelled. Replace inhabitants with Town persons. More importantly, this Code Section should be sent to the Corradino Group to update. (jhd)
- 134-59: Consider simplifying the required parking for single-family residential. (ALF).
- 134-65: Consider separate parking screening requirements for commercial vs. residential. (ALF).
- On-Street Parking Permits. We have a webpage for parking permits now. (jhd)
[Park in Palm Beach | Palm Beach, FL - Official Website](#)

- 134-97 through 134-108 – Is this the same as Chapter 66? (WRB) Our landscape plan reviewer should way in on this (jhd)
- 134-110 – Add that walls, fences, & gates shall not block the sight triangle. (WRB)
- 134-110 Page 88 (d): *“No chain link, metal, vinyl, or untreated or unpainted wooden fences shall be permitted.”* Vinyl coated chain-link is commonly used in town without complaints – Maybe permit chain-link with incorporation of planting material as high as the fence? What does “metal” fence mean? (Aluminum picket fences are commonly utilized)(bmf)
- 134-111 Page 88 (2) Currently, a street facing wall only needs to be setback 3’ if it exceeds 4’ in height. Proposed language causes all walls to be setback. (bmf)
- 134-112 Page 89 (a): Same comment as walls above. (b)(1): Maximum fence height is not identified. (c): What is the objective of not allowing less then 50% of a fence in a street yard to be opaque? Same question regarding fence setbacks. (bmf)
- 134-113 Page 89: (c): Proposed vehicle loading space ID’d as 9x20 in lieu of 9x18 as existing (Why require more loading space?). (d): Assuming this section relates to C above, but is not clear as written. (bmf)
- Diagram 134(14) - Shows a worse case scenario. It would be helpful if the code language specified that the additional height allowed for gates needs to be visually articulated and architecturally compatible. (ALF).
- 134-120 Page 94 b)(1): Increasing required A/C setback? (10’ proposed 5’ existing). (c): Are we allowed to regulate location of window shakers in FL? (d): Same question as c. (e): Cooling towers to follow A/C unit regulations as proposed. Currently they are required to be outside of a setback, surrounded by walls. Add section for roof top A/C requirements (setbacks and screening). (bmf)
- 134-123 Page 95 Freestanding awnings, carports, and portable beach or swimming pool cabanas, which are open all on all sides, are permitted provided they are not located in any required setback. What is a freestanding carport or awning? Is this meant to mean something that is portable/collapsible? Or fixed? Design review required if visible? (bmf)
- 134-124 Page 96-97 We should add a separate section related to temporary generators used for special events. (This was a confusing issue for zoning a year or so ago). (a): “Shall not be placed in a front yard or yard fronting a street”: Why do we care about generators in a street side or rear yard if it is screened – no affected neighbors? (c): Max generator height should match A/C height requirements for consistency. (i): *“Generators shall not be permitted on the roof of a structure”*. Can this be amended to permit them on a roof provided that they are setback a certain distance and adequately screened? (Worth Ave building example). (k): What is the difference between (k) and (b) as proposed? Currently: generators that are 61kW – 100kW must be outside of required setbacks. (l): Eliminate this section...require variances for nonconforming locations. (bmf)
- 134-125 Page 97 Home occupations currently are not permitted by code. (bmf)
- 134-126 – More lighting standards are needed. The town provides additional restrictions in an affidavit which contains language not codified. For example, the affidavit mentions that floodlighting is not permitted. (ALF).

- Sec. 134-127 Outdoor Promotional Events. Need to define special events by for-profit and not-for profit (jhd)
- Sec. 134-128 Playground Equipment. Schools are permitted as SE in C-TS currently. Perhaps allow playground equipment by use rather than district. (jhd)
- 134-129 Page 99 (d): Prohibition of sports -- Padel game uses hard paddles...very popular sport and request as far as sport courts are concerned. Game and noise should be left up to TC as part of Site Plan Review.(bmf); and misspelling **wihtin** any private outdoor sporting facilities in any residential district other than the R-D(1) and R-D(2) districts. (jhd)
- 134-130 Page 100 Rooftop screening How is the 10% aggregate area calculated? As sq ft of each individual piece of equipment? As smallest right-angled shape drawn around equipment? Condos and commercial structures maybe should have separate regulation? (bmf) Also, I don't think this is in the right location. Perhaps move after Sec. 134-120 (jhd)
- 134-132 Page 100-101 (a): Pools/fountain are proposed to be permitted in any yard area. Is there a minimum setback? I don't think we need regulation about screening pools in a side or rear yards. (b)(1): Why not allow pool equipment in street side or rear street yard areas – no neighbors affected? "Cannot exceed 4' in height from grade or minimum flood elevation" – I believe pool equipment is permitted below FEMA elevation. (b)(2): What does four pieces of equipment mean? (Current issue with this regulation). (b)(4): References pump house.
- 134-132 – Return the following language related to pool and fountain equipment: 'shall in all situations be located no further than 25-feet from the pool or fountain water's edge.' (ALF)
- Sec. 134-183(h) Special Exception requirements – I think we should take a closer look at these (jhd)
- Pg 64 why are decals and enforcement in here? (FHM)
- Pg 69 sign diagram should also explain dimensions for measuring (FHM)
- Pg 75-76 need to clarify what needs and application/permit etc. ex Ficus removal. (6) does not make sense (FHM)

13. **DISTRIBUTION ELECTRIC SUBSTATIONS** – remove entirely (jhd)

- Pg 111 has public works seen this? (FHM)

14. **CONDOMINIUM HOTELS** - Needs to be reviewed with Joanne (jhd)

15. **MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES** – Replace with new regulations in process now. (jhd) [ordinance marijuana 2024 09302024\(5784788.2\) \(004\).docx](#)

16. **ADMIN PROCEDURES**

- 134-7(a)(4) – Should we use "lots" or change to "buildings"? (WRB)
- 134-7(b)(2) – Increase the four-foot max height of A/C equipment or remove this regulation. (WRB)
- 134-7(h)(1) d through g – Why allow these encroachments? (WRB)
- 134-7(h)(2) a – Why allow a Porte Cochere to encroach? (WRB)
- 134-7(h)(3)a – Why allow an awning to encroach? (WRB)

- 134-12(a) – Maybe prohibit dark roofs unless approved by Arcom or LPC, or if they do not meet the desired higher solar reflectance index. (WRB)

17. **NONCONFORMANCES**

- Nonconforming lots Was this addressed? Remove substandard lots from needing SPR or SE. (JGM)

18. **VARIANCES**

Waivers Subdivision IV. - Dimensional Waivers Sec. 134-234.

- Generally, was hoping a clear distinction would be made between Variances and variances with the latter perhaps becoming waivers that can be approved by a design commission (JGM)
- Rewrite as ADMIN or DIRECTOR APPROVAL (or something, WAIVER) and add neighboring consent all properties. Current waiver has 15 day notice—remove or capitalize on this? (JGM)
- Incorporate new language Landmarks 134-188 a,b,c,d (JGM)
- Incorporate some new ARCOM language (similar to above) (JGM)

Variance Standards

- Formerly 134-201, Removed item (6)regulation of nonconforming use (JGM)
- Capital V vs lower case v (JGM)
- Design Commissions granting variances? (small v?) (JGM)
- 134-188 – Perhaps the waiver can be reviewed and approved by LPC? (ALF).

19. **SIGNAGE**

- Was there a previous sign note regarding ‘for sale’ signs which currently are restricted to a certain size? Has this been omitted? Could be problematic as a precedent has been set already. (SCP)

20. **PARKING**

- NO to employee parking calc. (JGM)
- Private club still at 1 : 4? (JGM)
- 134-61(c) – We should carefully review and discuss commercial parking regulations. (WRB)
- Concerns about increasing the parking space size which can lead to additional paving in the Town and non-conformities. (ALF)
- The restriction on driveway parking may disproportionately impact smaller properties. (ALF)

21. **GLOSSARY**

- Building footprint and pervious definitions would be helpful. (ALF)
- Pervious vs. Impervious definition. (SCP)
- Open Space vs. lot coverage? (SCP)
- Pergola, Awning, Portico and Trellis should all be defined due to current issues with design professionals. (SCP)
- Some are bold and others are not (jhd)

22. OTHER

- NEW FIRM MAPS, ie +2' at points (JGM)
- # required canopy shades in front yard and site, and street where applicable (JGM)
- 134-101 – Remove advanced irrigation system regulations? (WRB)
- 134-7 (a)– For through lots, create the ability to interpret which street is used for the point of measurement. This could be limited to landmarks. (ALF).\\
- 134-7 (d)– Setbacks should be measured to the property lines, not the easements. (ALF).
- 134-7 (h) - Too much encroachment being allowed for roof overhangs and eaves.
- 134-16 – Clearly indicate that only one (1) guest house is permitted. This has been implied by the current code but not clearly. (ALF).
- If the 'Palm Beach Acre' is being eliminated, consider how density and lot sizes might be impacted. (ALF).

These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review.

cc:

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