

# TOWN OF PALM BEACH

Information for Town Council Meeting on: November 5, 2024

---

To: Planning & Zoning Commission Members

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



Re: Request to Consider Removing the “Palm Beach Acre” from the 2024 EAR Comprehensive Plan

Date: October 23, 2024

---

## **STAFF RECOMMENDATION**

Staff recommends that the Planning & Zoning Commission review and recommend approval to the Town Council of the removal of the “Palm Beach Acre” from the 2024 EAR Comprehensive Plan. The Palm Beach Acre will be replaced with the conventional U.S. customary acre consisting of 43,560 square feet.

## **GENERAL INFORMATION**

The Palm Beach Acre is currently included in both the 2017 Comprehensive Plan and the Zoning Code, Chapter 134. It is only used for the determination of dwelling unit density based upon Land Use categories and zoning districts.

The Town adopted the Palm Beach Acre as a definition via Ordinance 2-74 on March 26, 1974. Ordinance 1-85, adopted on February 11, 1985, applied the Palm Beach Acre to dwelling unit densities (dwelling units per acre). It has remained in the Zoning Code since 1974 and has been in the Comprehensive Plan since at least 2009.

The Town Council at their meeting on October 15, 2024, requested that the Palm Beach Acre be replaced with the conventional acre. The Palm Beach Acre is defined as an area of 40,000 square feet, while the conventional U.S. customary acre is 43,560 square feet. Therefore, density calculations change a bit due to the size of the acre changing. In reality, density is neither increased nor decreased – it is just represented differently due to a different lot area.

A thorough review of the draft 2024 EAR Comprehensive Plan found eight (8) pages that had to be modified to accommodate the change in acre definition. Density calculations in several Land Use categories were amended based upon the use of 43,560 square feet, instead of 40,000 square feet.

As part of the 2024 EAR Comprehensive Plan, the Planning & Zoning Commission shall review and provide a recommendation to the Town Council on amendments to the Town documents. Since the Town Council requested this change, it is anticipated that the Planning & Zoning Commission would issue a favorable recommendation on this matter.

Cc: Jennifer Hofmeister Drew, Planner III  
James Murphy, Asst. Director of PZB  
Joanne O'Conner, Town Attorney

Attached: Eight revised pages from the Future Land Use Element - Data & Analysis and Goals, Objectives and Policies

**FUTURE LAND USE ELEMENT**  
**DATA AND ANALYSIS**  
**TRANSMITTAL**

This Future Land Use designation comprises approximately 1,121 acres and is the predominant land use in the Town. The amount of land identified as Single Family represents approximately 50% of the total land area within the Town of Palm Beach (Table 1.1). This Future Land Use Category includes historic residences and those that have been redeveloped. Appropriate uses include estates, single-family homes, previously approved residential PUDs and development up to a maximum density of ~~four 4.356~~ dwelling units per ~~gross Palm Beach~~ acre ~~(40,000 square feet)~~. Public uses and facilities, public and private schools, group homes and foster care facilities, essential services, and private group uses and cultural uses are also permitted within this category on a limited basis.

As illustrated, the predominant land use within the Town is Residential, accounting for 70% of all land area. The majority of single-family units are located in the north and south-central portions of the Town. In contrast, most multi-family dwellings are located in the southernmost part of Town, south of Sloan's Curve, and were developed beginning in the 1960's. Due to the high cost of land and the fact that Palm Beach is in a coastal hurricane vulnerability zone, there are no mobile homes in the Town.

**Multi-Family Uses**

Two multi-family categories, permitting varying densities and uses, are shown on the Future Land Use Map. In total, the Future Land Use Map designates about 381 acres of land for this use. The multi-family land use is split into two categories: Multi-Family Moderate Density and Multi-Family High Density, which have varying densities and allowable uses.

*Multi-Family Moderate Density:* Appropriate uses include single-family and two-family homes, townhouses, multi-family units, and residential and previously approved mixed-use PUDs up to a maximum density of ~~six 6.534~~ dwelling units per ~~gross Palm Beach~~ acre ~~(40,000 square feet)~~; public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services. The Comprehensive Plan designates close to 102 acres of land for Multi-Family Land Use.

*Multi-Family High Density:* The Future Land Use designation comprises approximately 278.47 acres, which is the second largest land use in the Town. This use represents approximately 12.50% of the total land area within Palm Beach (Table 1-1). Appropriate uses include single-family and two-family homes, townhouses, multi-family units, and residential and mixed-use PUD's up to a maximum density of ~~13-14.157~~ dwelling units per ~~gross Palm Beach~~ acre ~~(40,000 square feet)~~. Hotels are also permitted with an allowable density of up to ~~26-28.314~~ units per ~~gross Palm Beach~~ acre along with associated accessory commercial uses and time-sharing uses up to ~~nine 9.801~~ units per ~~gross Palm Beach~~ acre. The Comprehensive Plan designates nearly 278 acres of land for this use.

**Commercial Uses**

The Commercial Future Land Use designation comprises approximately 86.35 acres, representing 3.87% of the total land area within Palm Beach (Table 1-1). While only one commercial category

**FUTURE LAND USE ELEMENT**  
**DATA AND ANALYSIS**  
**TRANSMITTAL**

**Approved Plan Unit Development (PUD)**

This Future Land Use designation consists of ~~about~~ approximately 173 acres and represents 7.75% of the total land area within Palm Beach (Table 1-1). The Breaker's PUD contains additional development potential. If built to maximum density, the Breaker's PUD could hold another 251 multi-family units and some commercial development. Within this Future Land Use designation, the maximum density allowed cannot exceed ~~13-14~~ 157 units per acre. During the EAR of the Future Land Use Element, the PZC recommended that the Town Council not allow for future PUDs. Nonconforming buildings or structures unintentionally damaged or destroyed, may be rebuilt in accordance with Code Section 134-392(b). Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in Code Sections 18-237 and 18-238.

**Conservation**

This Land Use designation is intended primarily for the spoil islands in Lake Worth and submerged lands located within the Town's boundary and located west of the Mean High-Water Level (MHWL) in Lake Worth and comprises approximately 130 acres. Fishermen's Island, Hunter's Island, and Bingham Isle are leased by the Audubon Society as rookeries and bird sanctuaries and have been designated for conservation on the Town's Future Land Use Plan Map. Both areas are unique and will be preserved and protected from development and the negative impacts of public use.

The amount of land identified as Conservation represents 5.82% of the total land area within Palm Beach (Table 1-1). Parcels that are designated as Conservation Land Uses have been depicted on the Future Land Use and Conservation Maps of the Map Series. Further review and analysis are presented in the Conservation Element.



**FUTURE LAND USE ELEMENT**  
**DATA AND ANALYSIS**  
**TRANSMITTAL**

In preparing Table 1-8, it was discovered that three Future Land Use categories, Private Group Use, Public, and Recreation, do not have corresponding Zoning Districts. During the EAR process, the Town Council approved a privately initiated Zoning Map that corresponds to the Private Group Use Future Land Use Category. Additionally, the Beach Area (BA) does not have an associated Future Land Use Category. ~~Further, the allowable densities in the R-D(1) Zoning District, which permit up to 10 dwelling units per acre, conflict with the allowable densities of the associated Multi-Family Moderate Land Use designation in the Comprehensive Plan, which limits density to six dwelling units per acre. A new Future Land Use category must be created that limits the maximum density to 10 dwelling units per acre to be consistent with the R-D(1) Zoning District. A new Future Land Use category must be created to allow consistency between the Comprehensive Plan and the Zoning Code.~~ The Comprehensive Plan is the controlling instrument for proper planning, while the zoning code is the implementing regulatory document, and they must correlate. Where they do not, the Comprehensive Plan controls.

**FUTURE LAND USE NEEDS**

**Redevelopment**

There are few deteriorated structures or blighted areas in the Town nor are any expected during the planning period. The high value of real estate and the vigilance Town leadership and residents will continue to enforce a high standard of property conditions. Future redevelopment will be required to conform to the densities and intensities and levels of service established within the Future Land Use Element.

**Preservation of Residential Neighborhoods**

As far back as 1990, the Town Council and the PZC have been evaluating the portions of the Town's Zoning Code that regulate the size of homes in the R-B zoning district, the predominantly single-family area. Nevertheless, during the past several years, the issue of "excessively large homes" has become increasingly controversial in Palm Beach, as it has in other areas of the country.

Building sizes for homes in the North End of the Island averaged 2,500 to 3,000 square feet (or less) in the 1930's to the 1970's, well below the 6,000 square feet allowed in the Town's Zoning Code at that time. Today these historic building sizes have become the reference point, as housing construction evolved to reflect changing residential tastes and real estate markets. In 1980, for example, a 6,000 square foot home could be built on a 10,000 square foot lot. The home was allowed 3,000 square feet on the first floor, and 3,000 square feet on the second floor, comprising total lot coverage of 30%. However, at that time, very few homes were built to the maximum allowable size. Most were single-story homes designed as second homes intended for seasonal occupancy.

During the 1980's and 1990's, a number of factors changed, resulting in the construction of significantly larger homes. New homes were designed for use as primary residences with more living space, larger rooms, and other amenities, in response to changing market demands. During

**FUTURE LAND USE ELEMENT  
GOALS, OBJECTIVES AND POLICIES  
TRANSMITTAL**

serve the proposed development.

i. Provide clean and safe potable water.

j. ~~Reasonably ensure that newly planted trees are located in a manner that will require no more than minimal trimming in order to avoid contact with power lines.~~

**POLICY 1.2**

The Town shall maintain Future Land Use designations that focus on preserving and protecting the Town's primarily residential community, with the limited Town-Serving commercial uses, by controlling the type, distribution and density of development and redevelopment.

**POLICY 1.2.1**

The Town shall revise the Zoning definition of "Acre" to reference the U.S. customary acre size of 43,560 square feet, not the "Palm Beach Acre" of 40,000 square feet.

**POLICY 1.3**

The Town shall protect the stability of its residential neighborhoods by advocating and promoting year-round occupancy and neighborhood improvements and enhancements.

**POLICY 1.24**

The Town shall continue to c~~Conduct~~ astaff reviews of each proposed new development or redevelopment project for the purpose of determining compliance with the Town's Comprehensive Plan and Code of Ordinances.

**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 1.5**

The Town shall maintain it's character as a predominantly residential community by approving development and redevelopment projects that are necessary to meet the needs of Town residents.

**POLICY 2.41.6**



**FUTURE LAND USE ELEMENT  
GOALS, OBJECTIVES AND POLICIES  
TRANSMITTAL**

**The Town shall continue to prevent critical and dangerous overuse of its infrastructure, parking resources, public services and facilities, and damage to its historic character, in an effort to maintain and grow the overall high property values of the community.**

**POLICY 2.4 1.7**

The Town shall take all technical and administrative measures legally available to minimize the change or transition of existing low-density areas or structures to more intensive use patterns—thereby lowering the pattern of **residential** density **and commercial intensity**, where possible to minimize tourism inflow.

**POLICY 2.5.2 1.8**

**The Town shall c**ontinue to enforce the provisions of the Town's **its** Zoning Ordinance which are directed toward the encouragement **compliance with** of Town-serving commercial uses **establishments** and the discouragement of **to rigorously discourage** those uses which are likely to attract patronage on a regional level.

**POLICY 2.4 1.9**

**The Town shall identify each of the provide** ~~The listing of appropriate land uses deemed appropriate for in each of the individual land use categories generally expected to be appropriate.~~

**2.4-1.9.1** Where essential services are indicated as an appropriate use, essential services shall include public utility facilities related to water supply, telephone (excluding wireless telecommunication facilities), cable television, gas, electrical distribution systems, **shoreline protection and renourishment activities**, and town-owned services such as sanitary sewer, stormwater drainage, and solid waste collection and disposal systems, including any necessary appurtenant structures serving the Town.

**POLICY 2.2 1.10**

**The Town shall ensure that d**evelopment orders shall be **are** issued by the Town only for new residential development or redevelopment **that are** consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies:

**2.2.11.10.1** Single-Family Residential – Intended to accommodate and preserve estates and single-family residential development at a maximum density of **four 4.356** dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two



# FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES **TRANSMITTAL**

stories.

Appropriate uses include single-family dwellings, previously residential Approved PUDs as set forth in Policies ~~11.10.1.1~~ and ~~11.10.1.4~~, cluster development, public uses and facilities, public and private schools, private group uses, ~~group homes and foster care facilities~~, and essential services.

~~2.2.2.~~ **1.10.2** Multi-Family Moderate Density – Intended to accommodate and preserve residential development at a maximum density of ~~six 6.534~~ dwelling units per ~~gross Palm Beach~~ acre (40,000 square feet) and a maximum height of two stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUDs as set forth in Policy ~~11.8.1.2~~; mixed-use PUDs as set forth in Policy ~~11.8.1.3~~; public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

~~2.2.3.~~ **1.10.3** Multi-Family High Density – Intended to accommodate residential development at a maximum density of ~~13 14.157~~ dwelling units per ~~gross Palm Beach~~ acre (40,000 square feet) and, under limited circumstances, a maximum height of five stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUDs as set forth in Policy ~~11.8.1.2~~; mixed-use PUDs as set forth in Policy ~~11.8.1.3~~; hotel and motel uses up to ~~26 28.314~~ rooms per ~~gross Palm Beach~~ acre (40,000 square feet) and associated accessory commercial uses (hotel and motel rooms are considered to be equivalent to 0.5 dwelling units); timesharing uses up to ~~nine 9.801~~ units per ~~gross Palm Beach~~ acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

## POLICY ~~2.3~~ **1.11**

**The Town shall ensure that** ~~d~~Development orders ~~shall be~~ **are** issued by the Town only for new non-residential development or redevelopment **that are** consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies:

~~2.3.1~~ **1.11.1** 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 **non-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



**FUTURE LAND USE ELEMENT  
GOALS, OBJECTIVES AND POLICIES  
TRANSMITTAL**

requirements) of 3,000 square-feet or less of gross leasable area in the C-OPI, 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. **Town-serving commercial establishments shall attract not less than the established percentage defined in the Zoning Code of their customers/members/clients from among Town persons.**

**b. "Town residents" shall include all property owners, both full-time and seasonal, and their guests, and renters of at least three months.**

b. ~~c.~~ "Town persons" shall mean all ~~full and seasonal residents of the Town residents~~, as well as visitors staying at accommodations in, or employees working in ~~establishments located within the Town~~.

~~2.3.2~~ **1.11.2.** 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~~ **1.11.3.** Commercial – Intended to ~~create~~, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential uses. **The mixed commercial/residential uses may be developed either as a unit or in individual parcels, provided these uses are primarily for the frequently recurring needs of Town persons-residents, 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~~ 28.314 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to ~~nine~~ 9.801 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~~ 6.534 dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district, the maximum allowable density shall be ~~ten~~ 10.89 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%~~.



**FUTURE LAND USE ELEMENT  
GOALS, OBJECTIVES AND POLICIES  
TRANSMITTAL**

~~2.3.7~~ **1.11.7** Approved PUD – Intended to recognize existing or previously approved PUDs. and provide for new PUD's within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed ~~13~~ **14.157** dwelling units per gross Palm Beach acre.

**POLICY 2.4 1**

~~To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.~~ **The Town shall prevent critical and dangerous overuse of its infrastructure, parking resources, public services and facilities, and damage to its historic character, to maintain the overall high property values of the community.**

**POLICY 2.2**

**The Town shall take all technical and administrative measures legally available to prevent the change or transition of existing low-density areas or structures to more intensive use patterns, thereby lowering the pattern of residential density and commercial intensity by minimizing tourism inflow.**

**POLICY ~~2.5~~ 2.3**

**The Town shall** continue to enforce the provisions of the Town's **its** Zoning Ordinances which are directed toward the encouragement of Town-serving commercial uses and the discouragement~~ing~~ of those uses which are likely to attract patronage on a regional level.

~~POLICY 2.6~~ **Policy moved to the Transportation Element**

~~The Town shall provide the amount, location, and type of on-street parking and street furniture, signage, beautification measures and traffic control that is sufficient to assure efficient functioning of the Town's business centers at Town-serving levels, and shall require off-street parking as necessary.~~

**OBJECTIVE 3**

**The Town shall issue d**~~Development orders or~~**and** permits for new development ~~or~~ **and** redevelopment shall be issued for construction in the floodplain or coastal high hazard area only if they meet the building elevations identified in the **Florida Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)** **unless the structure has been landmarked or is designated a historically significant building and approved for a floodplain variance.**