

ORDINANCE NO. 4-2018

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, AS FOLLOWS: AT ARTICLE I, IN GENERAL, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, BY CREATING A DEFINITION FOR TOW-AWAY SIGNS; AT ARTICLE II, ADMINISTRATION, SECTION 134-38 BY INCREASING AND CREATING ADDITIONAL FEES FOR LAND DEVELOPMENT SERVICES; SECTION 134-145 MODIFYING THE HEARING PROCEDURE FOR ADMINISTRATIVE APPEALS; SECTION 134-261 CREATING AN INITIAL REVIEW PROCEDURE FOR ZONING TEXT AMENDMENTS; AT ARTICLE IV, NONCONFORMITIES, SECTION 134-417, ENLARGEMENT, AND 134-419, ENLARGEMENT, EXTENSION, RECONSTRUCTION OR ALTERATION, BY CREATING A NEW DEMOLITION THRESHOLD, INCLUDING ADDITIONAL PROVISIONS FOR ALTERATIONS AND REPAIRS AND CLARIFYING LANGUAGE FOR RAISING NONCONFORMING BUILDINGS AND/OR STRUCTURES; AT ARTICLE VI, DISTRICT REGULATIONS, SECTIONS 134-788, 134-838 AND 134-888, ACCESSORY USES, AND SECTIONS 134-789, 134-839 AND 134-889, PROHIBITED USES BY CREATING REGULATIONS TO CONDITIONALLY ALLOW CONSTRUCTION RELATED EMPLOYEE OFF-STREET PARKING AT PRIVATE SOCIAL, SWIMMING, GOLF, TENNIS AND YACHT CLUBS IN THE R-AA, R-A AND R-B RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-796, 134-846 AND 134-893, EXCEPTIONS TO HEIGHT LIMITATIONS, BY ALLOWING SOLAR MATERIAL ON ROOFS OF BUILDINGS PROVIDED THERE IS EITHER ARCHITECTURAL COMMISSION OR LANDMARK PRESERVATION COMMISSION APPROVAL IN THE R-AA, R-A AND R-B RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-840 AND 134-890, SPECIAL EXCEPTION USES AND AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1698, STRUCTURES, SIGNS AND LANDSCAPE MATERIAL WEST OF LAKE TRAIL, BY ALLOWING ESSENTIAL SERVICES WEST OF LAKE TRAIL AS A SPECIAL EXCEPTION USE IN THE R-A AND R-B RESIDENTIAL ZONING DISTRICTS; AT ARTICLE VI, DISTRICT REGULATIONS, SECTION 134-893, LOT, YARD AND BULK REGULATIONS BY CLARIFYING THAT FIRST FLOOR, UNENCLOSED LOGGIAS, PERGOLAS, PORCHES TERRACES AND COVERED PATIOS IN THE R-B ZONING DISTRICT ARE ALLOWED AN ADDITIONAL 5% CUBIC CONTENT; AT 134-895, SAME, EXCEPTIONS FROM YARD REGULATIONS, BY MODIFYING THE PROVISION TO ENSURE THAT ADDITIONAL 3% LOT COVERAGE FOR AN AWNING OR OPEN TRELLIS IS NOT COUNTED IN THE CUBIC CONTENT RATIO CALCULATIONS; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1607, PERMITTED EXCEPTIONS, BY ALLOWING SOLAR MATERIAL ON THE ROOF OF A BUILDING OR STRUCTURE IN ALL OTHER ZONING DISTRICTS OTHER THAN R-AA, R-A AND THE R-B ZONING DISTRICTS PROVIDED THAT SAID MATERIAL IS APPROVED BY THE ARCHITECTURAL COMMISSION OR LANDMARK PRESERVATION COMMISSION; SECTION 134-1757, SWIMMING POOLS, BY ALLOWING RAISED

SPAS/HOT TUBS AND INFINITY POOLS; SECTION 134-1759, TENNIS, SHUFFLEBOARD AND RACQUETBALL COURTS, BY REORDERING THE EXISTING REGULATIONS TO ELIMINATE REDUNDANT LANGUAGE; AT ARTICLE XI, SIGNS, ADDING SECTIONS 134-2410 AND 134-2449 BY CREATING REGULATIONS FOR TOW-AWAY SIGNS IN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; SECTIONS 134-2411 AND 134-2450 BY CREATING REGULATIONS ALLOWING GOVERNMENTAL SIGNS IN ALL RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, after public hearings pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Code of Ordinances; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and as the Local Planning Agency recommended that the Town Council adopt the subject Ordinance; and

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 134, ZONING, of the Code of Ordinances, be amended as hereinafter set forth.

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

Section 1. Article I, IN GENERAL, Section 134-2, Definitions and rules of construction, is hereby amended to read as follows:

Sec. 134-2. Definitions and rules of construction.

(a)...

(b) *Definitions* The following words, terms and phrase, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign, tow-away means a sign which provides notice as required by Florida Statute for any property owner, lessee, or person authorized by a property owner or lessee to tow or remove any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel.

Section 2. Article II, ADMINISTRATION, Section 134-38, Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public hearing, is hereby amended to read as follows:

Sec. 134-38. - Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public hearing.

Upon filing an application requesting rezoning, a special exception use approval, a request for zoning variance, an appeal, or any other matter relating to this chapter which requires a public hearing, the applicant shall deposit with the office of the planning, zoning and building department the following application fees payable to the town:

- (1) Application relating to a PUD \$3,500.00
- (2) Application for a special exception use, or a modification or expansion thereof 1,500.00
Multi-family dwelling and commercial uses 2,000.00
Plus, for each additional special exception request ~~500.00~~ 700.00
- (3) Added requests for zoning variances contained within a special exception or site plan review request ~~500.00~~ 700.00
Plus, for each additional variance request ~~400.00~~ 600.00
- (4) Zoning variance requests involving:
 - a. Uses and structures 1,500.00
 - b. Multi-family dwellings and commercial uses 1,500.00
- (5) Zoning variance requests involving signs, awnings, fences, gateposts and similar incidental accessory items 800.00
- (6) Each additional item of a multiple-point variance request within one zoning variance request application 600.00
- (7) Filing of an application for site plan review pursuant to article III for PUD, multi-family dwelling or commercial building or site additions or modification involving more than 200 square feet 3,000.00
- (8) a. All other site plan review applications, including single-family dwellings and PUD, multi-family and commercial buildings or site additions or modifications of 200 square feet or less which require town council action 1,000.00
b. Administrative site plan review application 500.00
- (9) Comprehensive plan amendment:
 - a. Text 2,500.00
 - b. Future land use map:
 1. Small scale based on state statute 3,000.00
 2. Large scale based on state statute 4,000.00
- (10) Zoning change 3,000.00
- (11) Submittal of initial zoning text amendment proposal ~~400.00~~ 300.00
- (12) Zoning text amendments, if studied, minimum 4,000.00
- (13) Appeal of administrative decision 1,500.00
- (14) Resubmittal of revised plans or information related to an application 800.00
- (15) Lot split 2,000.00
- (16) Zoning waiver 1,500.00

- (17) Administrative supplemental shared parking and exception application and annual renewal fee 500.00
- (18) Administrative outdoor seating renewal fee 50.00
- (19) Unity of Title Agreements.....200.00
- (20) Zoning compliance letters related to Florida Department of Environmental Protection Permits....300.00
- (21) Kitchen Agreements.....150.00

Section 3. Article II, ADMINISTRATION, Sec. 134-145, Hearing procedure, is hereby amended to read as follows:

Sec. 134-145. Hearing procedure.

Any person appealing any decision of an administrative official made under this chapter shall make such appeal within 30 days after rendition of the written order, requirement, decision, or determination ~~from which such appeal is taken that is being appealed~~, or the right to appeal shall be barred. Such appeal shall be filed in writing or electronically to the director of planning zoning and building for consideration by ~~to the town council with ten copies thereof filed~~. The filing shall include a recorded disk or the documents which contain all supporting facts, and data and appropriate exhibits, plans, documents and other materials to adequately depict and support the appeal. with the director of planning, zoning and building. Appeals shall be accompanied by proper exhibits, which shall be timely filed, and shall include plans, documents and other materials to adequately depict and support the appeal. Upon receipt of the appeal, the following procedures shall be followed ~~undertaken~~:

- (1) The director of planning, zoning and building shall ~~forthwith~~ examine such appeal and make ~~endorse~~ a his recommendation thereon, and shall forward such recommendation to town council, together with all documents, plans, ~~papers~~, and/or other materials ~~and that constitute constituting~~ the record of upon which the action that is being appealed ~~from was taken~~.
- (2) All appeals will be heard at regular meetings of the town council unless otherwise ordered by the town council and in accordance with sections 134-141, 134-142, 134-201 and 134-226.
- (3) Postponement requests for deferred action on any appeal will be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date, except for good cause shown.
- (4) When an appeal is deferred or postponed because the town council determines that additional professional advice is necessary, the expense of obtaining such additional professional advice shall be borne by the appellant. The person to render or give such additional professional advice shall be selected by mutual agreement of the town and appellant.

Section 4. Article II, ADMINISTRATION, Sec. 134-261. - Town council actions; submission to planning and zoning commission for recommendations and report, is hereby amended to read as follows:

Sec. 134-261. Town council actions; submission to planning and zoning commission for recommendations and report;

(a) The town council may from time to time on its own motion or on petition, signed by the fee simple property owner of the property involved or authorized designee, agent or representative of the owner by power of attorney filed with the director of the planning, zoning and building department or designee, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries established in this chapter.

(b) Any proposed amendment, supplement, change, modification or repeal shall first be submitted as an initial review to the director of planning, zoning and building or his designee, who shall submit it to the Town Council for its review and feedback. Should the applicant of a privately initiated text amendment decide to submit same following town council feedback, the director of planning zoning and building or his designee shall submit the application to the planning and zoning commission for its recommendations and report. Upon the filing of the recommendations and report by the planning and zoning commission, the town council shall proceed to hold a public hearing in relation thereto, giving at least 15 days' notice of the time and place of such hearing in a newspaper having a general circulation in the town, and by posting the notice on the official bulletin board of the town hall. If a proposed comprehensive plan amendment, zoning text amendment or zoning change increases the allowable density or intensity, a notice identifying such amendments or changes shall be mailed to all property owners within 1,000 feet from any part of the subject property at the address shown on the county property appraiser's tax records, advising of the day and time of the hearing on such application before the town council. Said notice shall be mailed at least 15 days prior to the date for town council consideration of the proposed amendment(s) or zoning change(s).

(c) If an adverse report is given by the planning and zoning commission, or if a there is a written protest against such proposed amendment, supplement, change, modification or repeal, by an affected party shall be presented in writing to the town clerk, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the area thereof extending 500 feet therefrom, such amendment supplement, change, modification or repeal shall not become effective except by the favorable vote of three-fifths of all the members of the town council. In the event of a tie vote, the mayor shall cast the deciding vote, which shall constitute the three-fifth's requirement of the town council stated herein.

(d) The planning and zoning commission shall hear applications to rezone property and/or to amend, supplement, change, modify or repeal any article, division or section of this chapter within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. Any proposed amendment to change property from one zoning district to another zoning district shall require the favorable vote of at least four members of the town council. A public hearing on the application shall then be held by the town council after public notice of the hearing is given in accordance with law.

Section 5. Article IV, NONCONFORMITIES, Sec. 134-417. Extension or expansion, is hereby amended to read as follows:

Sec. 134-417. Extension or expansion.

A building or structure which is nonconforming with any of the lot, yard and bulk regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, ~~as determined by cubic footage,~~ as provided for in Sec.134-419(1), in preparation for any proposed enlargement, expansion, or extension of a building or structure.

Section 6. Article IV, NONCONFORMITIES, Sec. 134-419. Enlargement, extension, reconstruction or alteration, is hereby amended to read as follows:

Sec. 134-419. Restoration, demolition, Enlargement, extension, expansion, reconstruction, or alteration or repair.

No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered except, as provided for in sections 134-416, 134-417 and 134-418, or when required to do so by law ~~as follows~~ in accordance with the following:

(1) *Voluntary demolition, restoration and reconstruction.* A nonconforming building and/or structure may be demolished, restored as before, enlarged, extended, expanded or partially demolished and reconstructed provided that such demolition, restoration, enlargement, extension, ~~or expansion or reconstruction~~ does not exceed result in any of the following cumulatively occurring within five years of passing a final inspection:

- a. the loss of more than 50% of an exterior wall square footage, including fixed windows, on an entire north, south, east or west elevation;
- b. the loss of more than 50% of the roof truss area (with all of the roof measured as though flat);

~~50 percent of its existing cubic footage within five years of passing a final inspection and provided that the demolition, restoration, enlargement, extension or reconstruction of the building and/or structure does not exceed the floor area, gross leasable area and/or cubic footage which existed prior to the demolition, restoration, enlargement, extension, or reconstruction. In addition, any enlargement, extension or expansion of a nonconforming building or structure is required to meet current lot, yard and bulk regulations in Chapter 134, Zoning.~~

All demolition, restoration, enlargement, extension, expansion or reconstruction shall be completed within the time schedule set forth in the construction schedule section 105.4.1.6 of the Florida Building Code. In the event such demolition, ~~enlargement~~, restoration, enlargement,

extension, expansion or reconstruction is not completed within the timeframe required by the building code, construction shall cease and shall not resume until the town council decides the remedy for noncompliance, and review and approves a completion schedule.

(2) *Alteration and repairs.* Normal maintenance and repair and incidental alteration of a nonconforming building or structure is permitted, provided it does not increase the area, volume or size. Replacement of only operable windows and/or doors exceeding the parameter in (1) a and b above is permitted provided the openings of such windows and/or doors are not enlarged. A building used for single-family or multi-family residential purposes may be altered in any way to improve interior livability; provided, however, that no alterations shall be made which would increase the number of dwelling units. Single-family dwellings may be added onto or partially demolished in accordance with sections 134-794, 134-844, 134-894, 134-1005 and 134-1060.

(3) *Minimum flood elevation.* A nonconforming building may be raised to meet, but not exceed, the minimum town flood elevation provided that all of the following conditions are met:

- a. ~~That the~~ there is no increase in height as measured from the raised finished floor to the bottom of the top chord of the roof framing member for a pitched roof and the ceiling of a flat roof does not get any taller; ;
- b. ~~That the~~ there is no increase in overall height as measured from the raised finished floor elevation to the top of the roof for pitched roof, and top of the ceiling and parapet for a flat roof is not any taller; ;
- c. ~~The~~ building footprint within the required setbacks is no larger; ; and is no closer to the property line than it was prior to being raised; ; and
- d. ~~That~~ any new additions shall ~~meeting~~ existing lot, yard and bulk regulations.

Section 7. Article VI, DISTRICT REGULATIONS, Section 134-788, Accessory uses, is hereby amended to read as follows:

Sec. 134-788. Accessory uses.

The accessory uses in the R-AA large estate residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island.

(6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

Section 8. Article VI, DISTRICT REGULATIONS, Section 134-789, Prohibited uses, is hereby amended to read as follows:

Sec. 134-789. Prohibited uses.

The specific prohibited uses of buildings or land in the R-AA large estate residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited. Additionally, executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 9. Article VI, DISTRICT REGULATIONS, Section 134-796, Exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-796. Exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-AA large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flag-pole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar panels material shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 10. Article VI, DISTRICT REGULATIONS, Section 134-838, Accessory uses, is hereby amended to read as follows:

Sec. 134-838. Accessory uses.

The accessory uses in the R-A estate residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits provided such parking is located a minimum 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business

Section 11. Article VI, DISTRICT REGULATIONS, Section 134-839, Prohibited uses, is hereby amended to read as follows:

Sec. 134-839. Prohibited uses.

The specific prohibited uses of buildings or land in the R-A estate residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (3) Executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 12. Article VI, DISTRICT REGULATIONS, Section 134-840, Special exception uses, is hereby amended to read as follows:

Section 134-840. Special exception uses.

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

- (1) ...
- (2) Public structures, including essential services west of Lake Trail.

Section 13. Article VI, DISTRICT REGULATIONS, Section 134-846, Exceptions to height limitation, is hereby amended to read as follows:

Sec. 134-846. Exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-A large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar ~~panels~~ material shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 14. Article VI, DISTRICT REGULATIONS, Section 134-888, Accessory uses, is hereby amended to read as follows:

Sec. 134-888. Accessory uses.

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

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business except such uses as may be associated with the town's operation of its municipal dock, golf course and tennis court facilities.

Section 15. Article VI, DISTRICT REGULATIONS, Section 134-889, Prohibited uses, is hereby amended to read as follows:

Sec. 134-889. Prohibited uses.

The specific prohibited uses of buildings or land in the R-B low density residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (5) Executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 16. Article VI, DISTRICT REGULATIONS, Section 134-890, Special exception uses, is hereby amended to read as follows:

Section 134-890. Special exception uses.

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

- ...
- (2) Public structures, including essential services west of Lake Trail.

Section 17. Article VI, DISTRICT REGULATIONS, Section 134-893, Lot, yard and area requirements-Generally, is hereby amended to read as follows:

Sec. 134-893. Lot, yard and area requirements-Generally.

(a)

(b) *Schedule of regulations.* In the R-B low density residential district, the schedule of lot, yard and area requirements is as given in this section.

(1)...

...

(13) *Cubic content ratio.*

a. The maximum cubic content ratio shall be as follows:

(1)....

...

- (5) Exceptions. One architectural tower feature involving no habitable space, as otherwise permitted under subsection 134-896(b), shall not be counted in calculating the cubic content of the structure. Unenclosed loggias, pergolas, porches, terraces and covered patios located on the first floor shall be excluded from the calculation of total cubic content up to 5% of allowable cubic content. Portions of unenclosed structures in excess of the 5% maximum, as well as those located above the first floor, shall be included in the calculation of total cubic content ~~Unenclosed covered patios, loggias, balconies, porches or terraces located on the first floor of the structure shall not be counted in calculating the cubic content of a structure, provided the aggregate cubic content of such appurtenances does not exceed five percent of the total cubic content of the structure.~~ Such appurtenances so erected may not in the future be enclosed or converted to permanent additions to the structure if such conversion would increase the cubic content of the structure beyond that allowed by the applicable ~~CCR~~ cubic content ratio.

Section 18. Article VI, DISTRICT REGULATIONS, Section 134-895, Same-Exceptions to yard regulations, is hereby amended to read as follows:

Sec. 134-895. Same-Exceptions to yard regulations.

In the R-B low density residential district, exception to the yard regulations in Section 134-1548 are as follows:

(1)...

...

- (3) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Said Awnings and/or trellises so erected shall not count in the cubic content ratio calculations and ~~shall may~~ not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

...

Section 19. Article VI, DISTRICT REGULATIONS, Section 134-896, Special exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-896. Special exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B ~~large estate~~ low density residential district are...

Section 20. Article VI, DISTRICT REGULATIONS, Section 134-896, Special exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-896. Special exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B low density district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. ~~Solar panels material shall be permitted on the roof provided they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 21. Article VI, DISTRICT REGULATIONS, Section 134-1308, Lot, yard and area requirements-Generally, is hereby amended to read as follows:

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)...

...

(4) Density.

a. The maximum density for hotels within C-B commercial district shall be ~~22~~ 26 dwelling units per acre.

Section 22. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1607, Permitted exceptions, is hereby amended to read as follows:

Sec. 134-1607. Permitted exceptions.

Permitted exceptions to height regulations in this chapter in districts other than R-AA, R-A and R-B shall be as follows:

(1) In all zoning district other than R-AA, R-A and R-B districts, structures for the housing of elevators, stairways, tanks, and skylights not exceeding ten percent in total area of the roof area

on which they are placed, skylights not more than four feet in height above the roof; ventilating fans not exceeding three feet in height above the roof or similar equipment to operate and maintain a building; air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof; radio and television antennas for reception purposes only; and church steeples, flagpoles and chimneys no more than 40 percent above the height limits for the district within which they are located as prescribed by this chapter. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is set back at least 120 feet from any lot line. Such structures located upon the roof area shall not cover in the aggregate a roof area greater than 15 percent of the ground floor area of such building or structure. Radio and television antennas for reception purposes, air conditioning equipment, the housing of elevators, stairways, tanks, ventilating fans or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened from view in so far as possible. Solar ~~panels material~~ shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 23. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1698, Structures, signs and landscape material west of Lake Trail, is hereby amended to read as follows:

Sec. 134-1698. Structures, signs and landscape material west of Lake Trail

No buildings or other structures of any nature ~~whatsoever~~, other than buildings or structures for essential services and docks, shall be constructed upon any land lying west of the Lake Trail. ~~except docks.~~ No signs shall be permitted west of the Lake Trail except property protection signs as approved by the Architectural Commission. In addition, a Lake Trail scenic vista shall be maintained for the entire width and depth of all properties that abut the west side of Lake Trail with the exception of those properties used to provide essential services. The following standards shall apply to such properties:

- (1) In no instance shall hedge or bush material be planted or maintained at a height greater than 30 inches above the grade of the trail.
- (2) Except for palm trees, trees shall be planted with a minimum lineal separation perpendicular to Lake Trail of 30 feet from any other tree.
- (3) The trunks of trees shall be maintained at six feet above the grade from where the tree is planted.
- (4) Palm trees may be clustered with one canopy tree and two palm trees, or a maximum of three palm trees, no further apart than eight feet, and a cluster separation perpendicular to Lake Trail of not less than 25 feet.

Section 24. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1757, Swimming pools, is hereby amended to read as follows:

Sec. 134-1757. Swimming pools.

A swimming pool, and if applicable, infinity pool catch basin, and/or a spa/hot tub, not to be enclosed by a structure other than a fence as required or permitted by this Code, may be constructed within every yard area, except the required front yard as prescribed by this chapter. ~~However, Except as provided in this paragraph, no part of the pool structure may protrude more than six inches above the finished ground level, and the walls~~ The exception is that a spa/hot tub shall not exceed a height three feet above the exterior finished grade. In addition, a swimming pool or spa/hot tub may have an infinity edge on not more than one side of said swimming pool or spa/hot tub which can be no higher than three feet above drop into a swimming pool or water trough below said infinity edge. A swimming pool, and if applicable an infinity pool catch basin, and spa/hot tub interior, shall be at least ten feet from the side and rear lot lines and 15 feet from the street side and street rear lot lines. All setbacks as setforth in this section of the Code shall be measured from the waters edge to the property line.

A swimming pool, and if applicable infinity pool catch basin, and/or spa/hot tub in the required street side or street rear yard shall be screened by a continuous hedge six feet in height at the time of planting, located adjacent to and exterior of a solid wall six feet in height and maintained at a minimum of said height. Said hedge shall be located between the street and adjacent to and exterior of a solid wall six feet in height. In the percentage of coverage of a lot by buildings, swimming pools shall not be counted in such computation.

Section 25. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1759, Tennis, shuffleboard and racquetball courts, is hereby amended to read as follows:

Sec. 134-1759. Tennis, shuffleboard and racquetball courts.

~~(a) Tennis courts or shuffleboard courts and similar accessory uses, not to be enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard or required street rear yard as prescribed by this chapter. However, any walls or fences shall conform with sections 134-791, 134-792, 134-841, 134-842, 134-891, 134-892, 134-946, 134-947, 134-1001, 134-1002, 134-1056, 134-1057, 134-1110, 134-1160, 134-1210, 134-1260, 134-1305 and 134-1726, and the construction of any facility involving the use of a ball backboard or rebound wall or structure in any district of the town and the construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception. Racquetball courts shall be considered unenclosed accessory structures and may be constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception.~~

~~(b) In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night~~

~~lighting of outdoor tennis, shuffleboard and racquetball courts and similar uses is prohibited. Every tennis court shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court, such fence or wall enclosures to be at least ten feet in height and not exceeding 12 feet in height. All tennis courts shall be sight screened with plantings at least the same height as the tennis court fence enclosures, where visible from adjacent properties or the public or private street right-of-way. Racquetball courts shall be sight screened with plantings, where visible from adjacent properties or the public or private street right-of-way.~~

- (e) ~~In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night lighting of racquetball courts and similar uses is prohibited. The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and croquet courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or croquet court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection. In addition, all tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the or courts, such fence or wall enclosures to be at least ten feet in height. All tennis, shuffleboard and croquet courts and their associated lighting shall be sight screened with plantings at least the same height as the fence enclosures and associated lighting, where visible from adjacent properties or the public or private street rights of way. Racquetball courts shall be sight screened with plantings, where visible from adjacent properties or public or private street rights of way~~
- (a) Tennis, shuffleboard and racquetball courts and similar uses shall not be counted in lot coverage computations.
- (b) Tennis courts or shuffleboard courts and similar accessory uses, not enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard and required street rear yard as prescribed by this chapter.
- (c) Tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court. Such fence or wall enclosures are to be at least ten feet in height. Said fence or wall enclosure shall be out of the required principal structure setback if said enclosure exceeds the maximum height allowed in Section 134-1666 through 134-1670 of the Code. Where visible from adjacent properties or the public or private street right-of-way, tennis courts shall be screened with plantings at least the same height as the tennis court fence enclosure.
- (d) The construction of any facility involving the use of a ball backboard or rebound wall in any district of the town shall be subject to an application for special exception as specified in section 134-227 through section 134-233.

- (e) The construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception as specified in section 134-227 through section 134-233.
- (f) Racquetball courts shall be considered unenclosed accessory structures and may be constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception. Racquetball courts shall be screened with plantings, where visible from adjacent properties or the public or private street right-of-way.
- (g) The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and racquetball courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or racquetball court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection

Section 26. Article XI, SIGNS, Section 134-2373, General regulations and definitions applicable to permitted signs, is hereby amended to read as follows:

Sec. 134-2373. General regulations and definitions applicable to permitted signs.

Under this article, the following shall apply to all signs:

(1)

(13) Strip lighting of any nature, including neon tubing, fluorescent lights, or other similar strip lighting devices, shall not be used to outline any building, fence, wall or any other structure. In addition, strobe or flash lighting and/or neon lighting which draws attention to a tenant space, building or structure is not permitted. Any lighted or illuminated sign shall not be permitted or erected until such illuminated sign has been approved as a special exception use in conformity with sections 134-227 through section 134-233, except that this shall not apply to low-level illuminated sign, less than 30 inches in height, indicating only the street number and location of entrance and exist drives of a parking area.

Section 27. Article XI, SIGNS, Section 134-2410, Tow-away signs, is hereby created to read as follows:

Sec. 134-2410. Tow-away signs.

Tow-away signs shall not be allowed on private property appurtenant to or obviously part of a single-family residence. Tow-away signs for two-family, townhouse, multi-family, and

institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the Town's Architectural Commission. Tow-away signs on State, County and municipal governmental property shall also meet these requirements. A building permit shall be required for a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's code of ordinances.

Section 28. Article XI, SIGNS, Section 134-2411, Governmental signs, is hereby created to read as follows:

Sec. 134-2411. Governmental signs.

Signs for a public purpose for governmental entities such as Federal, State, County or Town shall be permitted on public or private property provided that the number, size, location, appearance and content of said signs are approved by the Town Council at a Town Council meeting.

Section 29. Article XI, SIGNS, Section 134-2449, Tow-away signs, is hereby created to read as follows:

Sec. 134-2449. Tow-away signs.

Tow-away signs for commercial and institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the Town's Architectural Commission. Tow-away signs on State, County and municipal governmental property shall also meet these requirements. A building permit shall be required to erect a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's code of ordinances.

Section 30. Article XI, SIGNS, Section 134-2450, Governmental signs, is hereby created to read as follows:

Sec. 134-2450. Governmental signs.

Signs for a public purpose for governmental entities such as Federal, State, County or Town governmental agencies shall be permitted on public or private property provided that the number, size, location, appearance and content of said signs are approved by the Town Council at a Town Council meeting.

Section 31. 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 32. 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 33. Codification.

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

Section 34. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, 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 14th day of February, 2018, second reading on this 21st day of March, 2018, and the third reading and final adoption on the 11th day of April, 2018.

Gail L. Coniglio, Mayor

Daniel H. Moore, Town Council President

Margret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member