

ORDINANCE NO. 17-2019

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 VI, DISTRICT REGULATIONS, SECTIONS 134-791, 134-841, 134-891, 134-946, ACCESSORY STRUCTURES, BY CLARIFYING THE TEN FOOT MINIMUM SIDE AND REAR SETBACK REQUIREMENT FOR UNENCLOSED ACCESSORY STRUCTURES; SECTIONS 134-1107 AND 134-1207, PERMITTED USES, AND 134-1109 AND 134-1209, SPECIAL EXCEPTION USES, BY MAKING RESIDENTIAL USE ABOVE THE FIRST FLOOR A PERMITTED USE RATHER THAN SPECIAL EXCEPTION USE IN THE C-TS AND C-OPI COMMERCIAL ZONING DISTRICTS; SECTION 134-1157, PERMITTED USES, BY CLARIFYING THAT RESIDENTIAL USE ABOVE THE FIRST FLOOR IN THE C-WA COMMERCIAL ZONING DISTRICT IS A PERMITTED USE; SECTIONS 134-1109, 134-1159, 134-1209 AND 134-1304, SPECIAL EXCEPTION USES, IN THE C-TS, C-WA, C-OPI AND C-B COMMERCIAL ZONING DISTRICTS, BY ELIMINATING BROAD LANGUAGE WHICH ALLOWS BY SPECIAL EXCEPTION EITHER ANY RETAIL AND SERVICE ACTIVITY OR COMMERCIAL USE OVER THE MAXIMUM TOWN-SERVING THRESHOLD PROVIDED SAID USE DEMONSTRATES THAT IT IS TOWN-SERVING AND REPLACING WITH LANGUAGE ALLOWING PERMITTED USES OR USES NOT SPECIFICALLY ENUMERATED AS A PERMITTED USE PROVIDED SAID USES DEMONSTRATE THEY WILL HAVE TRAFFIC, PATRONAGE AND INTENSITY OF USE CHARACTERISTICS SIMILAR TO PERMITTED USES IN THOSE COMMERCIAL ZONING DISTRICTS; CREATING NEW SECTIONS 134-1472 AND 134-1473, PERMITTED AND SPECIAL EXCEPTION USES AND STRUCTURES IN THE B-A, BEACH AREA ZONING DISTRICT, AND RENUMBERING EXISTING SECTIONS OF THE CODE TO FOLLOW; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, CREATING SECTION 134-1519 WHICH PROHIBITS THE DOCKING, PARKING AND STORAGE STATIONS FOR SHARED BICYCLES AND SHARED DOCKLESS BICYCLES IN THE TOWN; AT ARTICLE XI, SIGNS, SECTION 134-2437, BUILDING IDENTIFICATION, BUSINESS IDENTIFICATION AND PROPERTY IDENTIFICATION SIGNS, AND 134-2438, SIZE OF SIGN, BY MODIFYING EXISTING LANGUAGE TO PROVIDE CLEARER BUSINESS IDENTIFICATION SIGN REGULATION LANGUAGE AND BY ALLOWING BUSINESS IDENTIFICATION SIGNAGE BASED ON BUSINESS FRONTAGE AND NOT FIRST FLOOR TENANT FRONTAGE; 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 recommendations 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 VI. DISTRICT REGULATIONS, Section 134-791, Accessory structures, is hereby amended to read as follows:

Sec. 134-791. Accessory structures.

(a) *Accessory structures in R-AA district.* Accessory structures in the R-AA large estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-AA district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

(1) ...

...

(3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and/or rear yard setback lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 2. Article VI. DISTRICT REGULATIONS, Section 134-841, Accessory structures, is hereby amended to read as follows:

Sec. 134-841. Accessory structures.

(a) *Accessory structures in R-A district.* Accessory structures in the R-A estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-A district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (1) ...
...
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and ~~or rear setback lot line~~, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 3. Article VI. DISTRICT REGULATIONS, Section 134-891, Accessory structures, is hereby amended to read as follows:

Sec. 134-891. Accessory structures.

(a) *Accessory structures in R-B district.* Accessory structures in the R-B low density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-B district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (1)...
...
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and/or rear setback line, with the exception of garden walls and fences, which are regulated by Division 5 of article VIII of this chapter
- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of a one-story garage in a street side yard based on section 134-1576 of this chapter and garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 4. Article VI. DISTRICT REGULATIONS, Section 134-946, Accessory structures, is hereby amended to read as follows:

Sec. 134-946. Accessory structures.

(a) *Accessory structures in R-C district.* Accessory structures in the R-C medium density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-C district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
- ...
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and/or rear setback lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 5. Article VI. DISTRICT REGULATIONS, Section 134-1107, Permitted uses. is hereby amended to read as follows:

Sec. 134-1107. Permitted uses.

(a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:

- (1) Retail and service establishments, such as restaurants, excluding formula restaurants as defined in section 134-2 and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops beauty salons and jewelry stores.
- ...
- (9) Residence(s) above the first floor.

Section 6. Article VI. DISTRICT REGULATIONS, Section 134-1109, Special exception uses, is hereby amended to eliminate subsection (3) and renumbering and modifying subsection (10) to read as follows:

Sec. 134-1109. Special exception uses.

(a) The special exception uses require a site plan ~~and~~ review as provided in article III of this chapter. The special exception uses in the C-TS town-serving commercial district are as follows:

- (1) ...
- ...
- ~~(3) Residential tenancy above the first floor.~~
- ...
- ~~(11) Any commercial establishment with greater than with greater than 3,000 square feet of gross leasable area provided that the town council has found as a fact, that the proposed use is town serving.~~

Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.

Section 7. Article VI. DISTRICT REGULATIONS, Section 134-1157, Permitted uses, is hereby amended to read as follows:

Sec. 134-1157. Permitted uses.

- (a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet of gross leasable area (GLA), are as follows:
 - (1) Antiques.
 - ...
 - (30) Residence(s) above the first floor.
 - (31) Combinations of the uses in subsections (a)(1) through (28) of this section.
- (b) ...

Section 8. Article VI. DISTRICT REGULATIONS, Section 134-1159, Special exception uses, is hereby amended to read as follows:

Sec. 134-1159. Special exception uses.

(a) The special exception uses require a site plan ~~and~~ review as provided in article III of this chapter. The special exception uses in the C-WA Worth Avenue district are as follows:

- (1),,,
- ...
- (8) ~~Retail and service activities.~~ Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 square feet GLA gross leasable area.
- (9) Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.
- (10) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (11) ~~Any commercial establishment with greater than 4,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.~~
- (1211) Roof deck automobile parking.
- ...

Section 9. Article VI. DISTRICT REGULATIONS, Section 134-1207, Permitted uses, is hereby amended to read as follows:

Sec. 134-1207. Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

- (1) Offices and professional and business services and executive offices, excluding veterinarian offices.

...

- (6) Residence(s) above the first floor.

- (7) Essential services.

Section 10. Article VI. DISTRICT REGULATIONS, Section 134-1209, Special exception uses, is hereby amended to read as follows:

Sec. 134-1209. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-OPI office, professional and institutional district are as follows:

- (1) Public or private parking lot or storage garages.

...

- ~~(10) Residential tenancy above the first floor.~~

Section 11. Article VI. DISTRICT REGULATIONS, Section 134-1304, Special exception uses, is hereby amended to read as follows:

Sec. 134-1304. Special exception uses.

(a) The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the C-B commercial district are as follows:

- (1)...

...

- (8) ~~Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.~~

Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1302 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.

Section 12. Article VI. DISTRICT REGULATIONS, Division 15, Beach Area*, is hereby amended adding a new Sections 134-1472 and 134-1473 and renumbering existing Sections 134-1472 through 134-1479 in sequential order to read as follows:

Sec. 134-1472. Permitted uses and structures.

The permitted uses and structures in the Beach Area district are as follows:

- (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet.
- (2) Beach chairs and umbrellas.
- (3) Seawalls, dune cross overs and stairs.
- (4) Special events as defined in Sec. 106-256, and approved by the town.

Sec. 134-1473. Special exception uses and structures.

(a) The special exception uses and structures require a site plan review as provided in article III of this chapter. The special exception uses in the B-A, Beach Area district are as follows:

- (1) One beach house structure.
- (2) Beach concessions related to an abutting hotel use and only for the use of hotel guests, visitors or those persons associated with the hotel, including the sale of sunblock and lotions; food and drink service; kayak, canoe, paddle board, surfboard, and similar non-motorized watercraft rentals.
- (3) Public structures.
- (4) Essential services.

Section 13. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, creating Section 134-1518, Shared mobility bicycles, to read as follows:

Sec. 134-1519. Shared mobility bicycles.

The following regulations shall apply to all zoning districts in the Town.

(1) Docking and parking of shared bicycles and storage stations for shared bicycles and dockless bicycles is prohibited in the Town.

Section 14. Article XI, SIGNS, Section 134-2437, Building identification, business identification and property identification signs, is hereby amended to read as follows:

Sec. 134-2437. Building identification, business identification and property identification signs.

(1) Building identification: One building identification sign (which must have the word "building" in it) may be placed on the front of each wall of a building which fronts onto a street, provided the building identification sign is installed flat against such wall and does not exceed 20 square feet in area.

(2) *Individual business identification:* All individual business identification signs for a building are allowed for each ground floor business shall be based on the lineal building fronting frontage measurement on a street or via (See Section 134-2438 below). Each such sign on a building shall not exceed 20 square feet in area and shall be installed flat against the street or via front, street or via side wall, or street or via rear wall of a building or in a ground floor window or door. In addition, if a ground floor licensed business's parking and main entrance is on the back or side of a building not fronting a street, said business shall be allowed one business identification sign installed flat against on the face of the building's wall where the business is located. No business identification sign shall exceed 15 feet in height and shall not be situated above the first floor ceiling of the building, whichever is lower. Signs shall be located on only the first floor and shall not go above 15 feet in height or the ceiling height of the first floor of a building, whichever is lower.

(3) *Business directory sign for building with at the entrance to a via or arcade:* Business directory signs shall be allowed for buildings ~~which contain or abut~~ located at the entrance to a via. One business directory sign facing each direction of an entrance to a via is permitted. Said such business directory sign shall not to exceed a maximum of six square feet in area and to be mounted on the wall. Business listings on a business directory sign shall be allowed only one line of lettering of a maximum height of 1.75 inches, with no logo and in the same font as the other business listings on the same sign. The height of the letters identifying the via and its address shall not exceed 3 inches and may be in a different font from that of the business identification listings. In addition, each business within a business directory sign shall be allowed only one identification line on the directory sign with no logo. The lettering on the business directory sign shall not exceed a height of one and one quarter inches for the business and shall be in the same font as the other business identification signs on the directory. Except, however, lettering on the business directory sign identifying the via and its address shall not exceed a height of three inches and may be of a different font than the businesses lettering on said sign. Such sign shall be flat wall mounted.

In addition, one business directory sign identifying the upper floor businesses is permitted on a multi-story building on the interior of a via where the stairs to the upper floor(s) in the building open onto the via. ~~A business directory sign for upper floor businesses on said building~~ This sign shall not exceed four square feet in area and shall meet the same lettering requirements as the business directory sign requirements for the entrances to a via. The business directory sign shall only identify the names of the businesses in the via. The business directory sign may also include the name of the via and the via address. ~~The business directory sign shall be flat wall mounted.~~

(4) *Individual business identification signs within a via:* A licensed business on the first floor within a via shall be allowed one hanging business identification sign within the via and perpendicular to the building. The hanging sign within a via shall be mounted on the wall of the building fronting the via and shall contain only the name of the business. A hanging business identification sign shall not be above the first floor of the building it is attached to, shall have a minimum of eight feet of clearance, and shall be calculated as part of the maximum business identification sign area allowed. ~~In addition said hanging business identification signs shall have only the name of the business.~~

(5) In the C-TS, C-WA, C-B and C-OPI zoning districts, property identification yard signs are permitted for a property provided that not more than one yard sign is permitted for each vehicular entrance into a property with street frontage. A property identification yard sign facing a street shall not exceed six square feet in area, five feet in height above lot grade, ~~shall~~ be located no further than ten feet from a vehicular entrance onto a property and shall meet the safe site visibility requirements of the town.

(6) In the C-PC zoning district, property identification yard signs are permitted, provided that not more than two yard signs ~~are permitted which would~~ flank each vehicular entrance or exit to a property with street frontage. A property identification yard sign facing a street shall not exceed ~~six~~ 6 square feet in area, ~~six~~ 6 feet in height above lot grade and shall be located no further than ~~ten~~ 10 feet from a vehicular entrance onto a property.

(7) Business, building and property yard identification signs shall require Architectural Commission or Landmarks Preservation Commission approval (whichever is applicable).

Section 15. Article XI, SIGNS, Section 134-2438, Size of sign, is hereby amended to read as follows:

Sec. 134-2438. Size of sign.

The maximum gross surface area of all business identification signs ~~on a building~~ shall not exceed 20 square feet of area for every 18 feet of lineal feet of building street or via frontage and shall meet the following schedule:

Building Street Frontage or Building First Floor Tenant Main Entrance and Rear Ground Floor Tenant Parking Frontage per Ground Floor Individual Business Sign Space (in feet)	Maximum Gross Surface Area for Business Identification Signs (in <u>square feet</u>)
<u>Less than 18 lineal feet of business frontage</u>	10
<u>18 lineal feet and over of business frontage</u>	20

Note: This permitted maximum gross surface sign area ~~per building street frontage or rear ground floor tenant parking frontage and for individual business identification sign area~~ may be in the form of one sign or composed of a group of smaller signs that advertise any licensed individual business within a the building, provided their aggregate area does not exceed that area contained in the schedule. The gross surface area of any signs on a building shall not, however, exceed 20 square feet. In addition, any hanging sign, as allowed in section 134-2437, shall not exceed two square feet in area.

Section 16. 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 17. 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 18. Codification.

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

Section 19. 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 15th day of May, 2019, second reading and final adoption on this 12th day of June, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret 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