

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2021

To: Mayor and Town Council

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

Cc: Kirk Blouin, Town Manager & James Murphy, Asst. Director of PZB

Re: Nonconforming Lots – Proposed Text Change

Date: April 28, 2021

DISCUSSION:

FYI

As you know, many of the special exception and/or site plan applications that come before the Town Council are required only because the lot on which development or redevelopment is to occur is a nonconforming lot. That means the lot frontage, and/or lot dimensions, and/or lot size do not meet the current minimum regulations found in the zoning code. This adds to the length of your agendas, and creates extra work, time, and expense to property owners. Staff would like to respectfully suggest that this step could be removed from the code for single-family development, if this is the wish of the Council.

The requirements are located in Chapter 134, Sections 134-446, 134-793(b), 134-843(b) and 134-893(c). The code currently requires variances for nonconforming lots in the multi-family and commercial zoning districts, and special exceptions and site plan approvals for nonconforming lots in the single-family home zoning districts.

Staff's suggestion is to amend the code language to simplify the process for single-family development. Presumably, the lots which are designated "nonconforming" today, were at one time conforming, or they would not have been platted or approved as part of a past subdivision. They are most often rendered "nonconforming" by the adoption of later codes, which changed the bulk zoning requirements within the districts. The proposed solution retains the required variance on nonconforming lots in the multi-family and commercial districts, but changes the required special exception and site plan on nonconforming lots in the single-family districts to be permitted by right under the code, if the nonconforming lots still match the metes and bounds (same size and boundaries) of the original lot OR was developed with a single-family dwelling in the past.

The new language could be as proposed below, first in underline and strike through form, then in the final (clean) form:

ARTICLE IV, NONCONFORMITIES, DIVISION 4. - LAND

Sec. 134-446. - Development and redevelopment of nonconforming ~~residential~~ lots.

- (a) ~~Vacant~~ Land located in any zoning district which does not conform to the minimum requirements of lot dimension or lot area as required by the schedule of lot, yard and bulk regulations for the district as given in article VI of this chapter may be developed or redeveloped as allowed in subsections (b) and (c) provided that ~~multi-family residential use and single-family residential use~~ does not exceed the maximum density allowed for the site, as identified in chapter 134 and the Future Land Use Element in the town's comprehensive plan. ~~Development of a single-family residential dwelling unit on a vacant residentially zoned lot which has existed in the same configuration for a minimum of 30 years is allowed subject to subsection (b) or (c), whichever is relevant.~~
- (b) The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements in the R-C, R-D(1), R-D(2), C-TS, C-WA, C-OPI, C-PC, C-B and PUD zoning districts shall be subject to an application to the town council for a variance. A variance to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.
- (c) ~~The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements~~ A single-family dwelling, along with ancillary accessory structures, may be developed on a nonconforming lot in the R-AA, R-A and R-B zoning districts, provided that the lot contained a single-family dwelling and retains the same size and configuration as when the previous single-family dwelling was constructed on the lot. ~~shall be subject to an application to the town council for special exception and/or site plan review as provided for in subsections 134-793(b), 134-843(b) and 134-893(b). A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

ARTICLE VI, DISTRICT REGULATIONS, DIVISION 2. – R-AA, DIVISION 3. – R-A, & DIVISION 4. – R-B

Sections. 134-793(b), 134-843(b), and 134-893(c). - Lot, yard and area requirements—Generally.

ALL TO READ:

Existing building lots.

A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-AA, R-A, or R-B zoning districts if the lot is less than the minimum area and/or dimension required for building lots in this district; provided said single-family dwelling meets all other Town Codes. ~~, however, that a special exception with site plan review would be required for an unplatted lot and site plan~~

~~review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

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Sec. 134-446. - Development and redevelopment of nonconforming lots.

(a) Land located in any zoning district which does not conform to the minimum requirements of lot dimension or lot area as required by the schedule of lot, yard and bulk regulations for the district as given in article VI of this chapter may be developed or redeveloped as allowed in subsections (b) and (c) provided that residential use does not exceed the maximum density allowed for the site, as identified in chapter 134 and the Future Land Use Element in the town's comprehensive plan.

(b) The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements in the R-C, R-D(1), R-D(2), C-TS, C-WA, C-OPI, C-PC, C-B and PUD zoning districts shall be subject to an application to the town council for a variance. A variance to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.

(c) A single-family dwelling, along with ancillary accessory structures, may be developed on a nonconforming lot in the R-AA, R-A and R-B zoning districts, provided that the lot contained a single-family dwelling and retains the same size and configuration as when the previous single-family dwelling was constructed on the lot.

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Please propose any edits to the above text, if needed. If this approach is acceptable, staff could place this matter in front of the Planning & Zoning Commission at their next meeting, and return to you with a draft ordinance.