

ORDINANCE NO. 19-2021

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, MODIFYING THE DEFINITIONS FOR BUILDING, HEIGHT OF (APPLICABLE ONLY IN THE R-B DISTRICTS), BUILDING HEIGHT OF (APPLICABLE TO ALL DISTRICTS EXCEPT THE R-B DISTRICTS, BUILDING, HEIGHT OF, (APPLICABLE TO LOTS OR PORTIONS OF LOTS EAST OF THE STATE OF FLORIDA COASTAL CONSTRUCTION CONTROL LINE (CCCL)), BUILDING, HEIGHT OF, (APPLICABLE TO R-B LOTS ABUTTING LAKE TRAIL) TO ELIMINATE THE REFERENCES TO RAISING THE GRADE OF A PROPERTY AND ELIMINATING REDUNDANT LANGUAGE; AT ARTICLE VI, DISTRICT REGULATIONS, AT SECTIONS 134-795, 134-845 AND 134-895, SAME-EXCEPTIONS TO YARD REGULATIONS, BY ALLOWING FIRST FLOOR ENTRY RAMPS, LANDINGS, ASSOCIATED STEPS AND RAMPS WITHIN REQUIRED SETBACKS IN THE R-AA, R-A AND R-B RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-950, 134-1006 AND 134-1062 SAME-EXCEPTIONS, BY ALLOWING FIRST FLOOR ENTRY RAMPS, LANDINGS, OPEN TERRACES AND/OR STEPS WITHIN REQUIRED SETBACKS IN THE R-C, R-D(1) AND R-D(2) RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-797, 134-848, 134-898, 134-953, 134-1009 AND 134-1065, LOT GRADE TOPOGRAPHY AND DRAINAGE, BY PROVIDING THAT THE GRADE OF A PROPERTY CANNOT BE RAISED TO MEET BASE FLOOD ELEVATION REQUIREMENTS EXCEPT AS PROVIDED FOR IN A NEW SECTION 134-1600 OF THE CODE AND ELIMINATION THE REQUIREMENT THAT THE HABITABLE FINISHED FLOOR OF A BUILDING SHALL NOT EXCEED EIGHT INCHES ABOVE THE PERMITTED GRADE ON A PROPERTY IN THE R-AA, R-A, R-B, R-C, R-D(1) AND R-D(2) RESIDENTIAL ZONING DISTRICTS; CREATING SECTIONS 134-1121, 134-1171, 134-1221, 134-1269, 134-1316 AND 134-1402, LOT GRADE TOPOGRAPHY AND GRADING IN THE C-TS, C-WA, C-OPI, C-PC, AND C-B COMMERCIAL ZONING DISTRICTS AND THE PUD DISTRICT TO PROVIDE THAT THE GRADE OF A PROPERTY IN THOSE DISTRICTS CANNOT BE RAISED TO MEET BASE FLOOD ELEVATION REQUIREMENTS EXCEPT AS PROVIDED FOR IN A NEW SECTION 134-1600 OF THE CODE; SECTION 134-1309, SAME-EXCEPTIONS, TO ALLOW FIRST FLOOR ENTRY RAMPS, LANDINGS AND ASSOCIATED STEPS TO EXTEND INTO A REQUIRED SETBACK IN THE C-B COMMERCIAL DISTRICT; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1548, YARD REGULATIONS, TO ALLOW FIRST FLOOR ENTRY RAMPS, LANDINGS, OPEN TERRACES, PORCHES AND ASSOCIATED STEPS AS ORDINARY PROJECTIONS INTO A REQUIRED YARD AND CROSS REFERENCING THE SPECIFIC SECTIONS OF THE CODE THAT APPLY; CREATING A NEW SUBDIVISION III WITHIN ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1600, LOT FILL, PROVIDING FOR A CALCULATION FOR THE MAXIMUM AMOUNT OF FILL THAT CAN BE PLACED ON A LOT; 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, Sec. 134-2. Definitions and rules of construction is hereby amended to modify certain height definitions to read as follows:

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

a...

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

...

Building, height of (applicable only in the R-B districts) means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. ~~If the lot grade is raised more than 18 inches pursuant to section 134-898,~~
t. The building height zero datum shall be a maximum of from a point 18 inches above the crown of the public or private street or road at its highest street elevation or the minimum flood elevation as established in chapters 18 and 50 of this code, whichever is higher. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of first floor slab of the existing building.

Building height of (applicable to all districts except the R-B districts) means the vertical distance from zero datum (excluding garage), which is the crown of the public or private street or road at its highest elevation abutting the lot or the minimum flood elevation as established in chapters 18

and 50 of the code, whichever is higher, to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of first floor slab of the existing structure.

...

Building, height of, (applicable to lots or portions of lots east of the State of Florida Coastal Construction Control Line (CCCL)) means the vertical distance from the point of measurement for height zero datum to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs the measurement is from the point of measurement for height shall be measured from zero datum to the point where the ceiling meets the exterior wall. The point of measurement zero datum for height in all zoning districts for buildings either east or partially east of the CCCL shall be the minimum bottom of grade beam elevation as established by the Florida Building Code plus two feet, the highest crown of road in front of the lot, or the highest first floor elevation of an abutting principal building, whichever is highest, provided all of the following conditions are met:

- (1) The proposed principal building can be no closer to the bulkhead line than the average setback of the closest principal buildings on the north and south side of the subject lot, provided the required rear setback is met;
 - (2) The proposed principal building can be no closer to the front property line than the average front setback of the closest principal buildings on the north and south side of the subject lot, provided the required front setback is met; and
 - (3) The proposed building can be no taller than five feet above the average height of the principal buildings on the north and south side of the subject property provided the overall height does not exceed the maximum overall height allowed. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the point of measurement for height shall be the top of the lowest floor slab on the existing structure provided that said addition(s) meet the minimum requirements as established in the Florida Building Code for construction east or partially east of the CCCL.
- ~~(1) The proposed principal building can be no closer to the bulkhead line than the average setback of the closest principal buildings on the north and south side of the subject lot, provided the required rear setback is met;~~
- ~~(2) The proposed principal building can be no closer to the front property line than the average front setback of the closest principal buildings on the north and south side of the subject lot, provided the required front setback is met; and~~
- ~~(3) The proposed building can be no taller than five feet above the average height of the principal buildings on the north and south side of the subject property provided the overall height does not exceed the maximum overall height allowed. For the purpose of~~

~~constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the point of measurement for height shall be the top of the lowest floor slab on the existing structure provided that said addition(s) meet the minimum requirements as established in the Florida Building Code for construction east or partially east of the CCCL.~~

...

Building, height of, (applicable to R-B lots abutting Lake Trail), means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. The top of the floor slab for buildings may be raised to either 18 inches above the crown of the public street at its highest elevation abutting the lot, the minimum flood elevation, or to the existing grade elevation of the lot at its midpoint, whichever is higher, provided that the top of the floor slab is at a minimum elevation of the crown of the public street at its highest elevation abutting the lot and the minimum flood elevation. ~~To raise the floor more than the typical 18 inches above the highest street elevation pursuant to section 134-898, building height zero datum shall be measured from a point 18 inches above the street.~~ For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the zero datum shall be the top of the lowest first floor on the existing building.

Section 2. Article VI, DISTRICT REGULATIONS, 134-795, 134-845 AND 134-895, Same-exceptions to yard regulations, in the R-AA, R-A, R-B districts are hereby amended as follows:

Sec. 134-795. - Same—Exceptions to yard regulations.

In the R-AA large estate residential district, exceptions to the yard regulations in section 134-1548 are as follows:

(1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.

(2) ~~A First floor unenclosed front entry ramps, landings door entrance platforms, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum reequired for access may extend four feet into a required side or rear yard setback. provided no closed part shall exceed four feet in height above the average lot level.~~

(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. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion ~~would~~ will increase lot coverage of the principal structure above the allowed percentage.

(4) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.

(5) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

Sec. 134-845. - Same—Exceptions to yard regulations.

In the R-A estate residential district, exceptions to the yard regulations in section 134-1548 are as follows:

(1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.

(2) ~~A First floor unenclosed front entry ramps, landings door entrance platforms, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback. provided no closed part shall exceed four feet in height above the average lot level.~~

(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. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion ~~would~~ will increase lot coverage of the principal structure above the allowed percentage.

(4) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.

(5) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

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

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

(1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such

projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.

(2) ~~A First floor unenclosed front entry ramps, landings door entrance platforms, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback; provided no closed part shall exceed four feet in height above the average lot level.~~

(2) ~~A First floor main entrance covered ramps porches platforms, open terraces, and/or steps may extend six feet into the required front yard setback. In addition, entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required setback; provided no closed part shall exceed four feet in height above the average lot level.~~

(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 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.

(4) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.

(5) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

Section 3. Article VI, DISTRICT REGULATIONS, 134-797, 134-848, 134-898, 134-953, 134-1009 and 134-1065, Lot grade topography and drainage in the R-AA, R-A, R-B, R-C, R-D(1) and R-D(2) districts are hereby amended as follows:

Sec. 134-797. Lot grade topography and drainage.

In the R-AA, large estate residential district, the natural grade and topography of a lot ~~may~~ shall ~~not~~ be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600 ~~which meets the paving and drainage requirements of the town.~~ The grade ~~may~~ shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town. ~~As part of that approved paving and drainage plan, the grade shall not be raised more than 18 inches above the crown of the abutting street unless the approved plan meets the town's containment and percolation requirements for rainwater on the lot. The top of the finished floor (habitable) may~~ shall not exceed eight inches above the permitted grade.

Sec. 134-848. Lot grade topography and drainage.

In the R-A, estate residential district, the natural grade and topography of a lot ~~may~~ shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided

for in Sec. 134-1600 which meets the paving and drainage requirements of the town. The grade ~~may shall~~ not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town. ~~As part of that approved paving and drainage plan, the grade shall not be raised more than 18 inches above the crown of the abutting street unless the approved plan meets the town's containment and percolation requirements for rainwater on the lot. The top of the finished floor (habitable) shall not exceed eight inches above the permitted grade.~~

Sec. 134-898. Lot grade topography and drainage

In the R-B, low density residential district, the natural grade and topography of a lot ~~may shall~~ not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600 ~~which meets the paving and drainage requirements of the town.~~ The grade ~~may shall~~ not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town. ~~As part of that approved paving and drainage plan, the grade shall not be raised more than 18 inches above the crown of the abutting street unless the approved plan meets the town's containment and percolation requirements for rainwater on the lot. The top of the finished floor (habitable) shall not exceed eight inches above the permitted grade.~~

Sec. 134-953. Lot grade topography and drainage.

In the R-C, medium density residential district, the natural grade and topography of a lot ~~may shall~~ not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600 ~~which meets the paving and drainage requirements of the town.~~ The grade ~~may shall~~ not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town. ~~As part of that approved paving and drainage plan, the grade shall not be raised more than 18 inches above the crown of the abutting street unless the approved plan meets the town's containment and percolation requirements for rainwater on the lot. The top of the finished floor (habitable) shall not exceed eight inches above the permitted grade.~~

Sec. 134-1009. Lot grade topography and drainage.

In the R-D(1), moderate density residential district, the natural grade and topography of a lot ~~may shall~~ not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600 ~~which meets the paving and drainage requirements of the town.~~ The grade ~~may shall~~ not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town. ~~As part of that approved paving and drainage plan, the grade shall not be raised more than 18 inches above the crown of the abutting street unless the approved plan meets the town's containment and percolation requirements for rainwater on the lot. The top of the finished floor (habitable) shall not exceed eight inches above the permitted grade.~~

Sec. 134-1065. Lot grade topography and drainage.

In the R-D(2), high density residential district, the natural grade and topography of a lot ~~may~~ shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600 which meets the paving and drainage requirements of the town. The grade ~~may~~ shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town. ~~As part of that approved paving and drainage plan, the grade shall not be raised more than 18 inches above the crown of the abutting street unless the approved plan meets the town's containment and percolation requirements for rainwater on the lot. The top of the finished floor (habitable) shall not exceed eight inches above the permitted grade.~~

Section 4. Article VI, DISTRICT REGULATIONS, 134-950, 134-1006, 134-1062 and 134-1309 Same-Exceptions in the R-C, R-D(1), R-D(2) and C-B districts are hereby amended as follows:

Sec. 134-950. - Same—Exceptions.

In the R-C medium density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.
- (2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
- (3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.
- (4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.
- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front, street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

Sec. 134-1006. - Same—Exceptions.

In the R-D(1) moderate density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

(1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.

(2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.

(3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.

(4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.

(5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.

(6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

Sec. 134-1062. - Same—Exceptions.

In the R-D(2) high density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

(1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.

(2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.

(3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.

(4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.

(5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.

(6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

Sec. 134-1309. - Same—Exceptions.

(a) In the C-B commercial district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.

(d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.

(f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.

(g) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

Section 5. Article VI, DISTRICT REGULATIONS, 134-1121, 134-1171, 134-1221, 134-1269, 134-1316 and 134-1402, Lot grade topography and drainage in the C-TS, C-WA, C-OPI, C-PC, C-B and PUD districts are hereby created to read as follows:

Sec. 134-1121. Lot grade topography and drainage.

In the C-TS, commercial town serving district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Sec. 134-1171. Lot grade topography and drainage.

In the C-WA, commercial worth avenue district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Sec. 134-1221. Lot grade topography and drainage.

In the C-OPI, office, professional and institutional district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Sec. 134-1269. Lot grade topography and drainage.

In the C-PC, planned center district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in

Sec. 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Sec. 134-1316. Lot grade topography and drainage.

In the C-B commercial district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Sec. 134-1402. Lot grade topography and drainage.

In the PUD, planned unit development district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in Sec. 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Section 6. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1548, is hereby amended as follows:

...

DIVISION II. –LOT, YARD AND AREA REQUIREMENTS

Subdivision I. IN GENERAL

...

Sec. 134-1548. Yard regulations.

Every part of a required front, side and rear yard must be open to the sky, unobstructed, except for accessory buildings in a rear or side yard, garden walls and fences, as permitted, and except for the ordinary projections of ~~open~~ first floor first floor entry ramps, landings, open terraces, unenclosed porches, balconies, steps, sills, belt courses, cornices and for ornamental features as ~~defined~~ identified in sections 134-795, 134-845, 134-895, 134-950, 134-951, 134-1006, 134-1007, 134-1061, 134-1062, 134-1114, 134-1164, 134-1213, 134-1263, 134-1308, 134-1576, 134-1577 and division 5 of article VIII of this chapter.

...

...

Section 7. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Subdivision III, Lot fill, Section 134-1600m Maximum lot fill allowed, is hereby created to read as follows:

Subdivision III. Lot fill.

Sec. 134-1600. Maximum lot fill allowed.

- (a) The lot grade of any property shall not exceed a grade elevation height of half the difference between the lowest habitable finished floor of the principal structure and the highest crown of the road in front of the lot. In case of a through or corner lot, the highest crown of road from the street determined to be on the front property line. The equation is as follows:

COR: highest crown of road where the principal structure fronts onto

FFE: Lowest habitable finished floor elevation of the principal structure

$COR - FFE \div 2 = \text{Maximum amount of fill allowed on a lot.}$

Section 8. 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 9. 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 10. Codification.

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

Section 11. 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 ____ day of _____, 2021, second reading and final adoption on this ____ day of _____, 2021.

Danielle H. Moore, Mayor

Margret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A Cooney, Town Council Member

Queenester Nieves, CMC, Town Clerk

Lewis S. W. Crampton, Town Council Member