



# PALM BEACH

## ZONING CODE REVIEW

# ZONING DIAGNOSTIC REPORT

09.29.2022

ZONE<sup>CO++</sup>



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# INTRODUCTION



Section  
01



# Section 1: Introduction

**T**he Town of Palm Beach is a unique and special place as evidenced by the high demand for property and correlating land values. In the words of the Town's zoning code, "Palm Beach is internationally known and has become a worldwide synonym for beauty, quality and value." (Zoning Code §134-2371). Renowned for its pristine beaches, breathtaking natural and built environments, high-quality businesses and arts, attention to detail, and quiet pace of life, Palm Beach is truly a one-of-a-kind community in Florida, the United States, and globally.

The Town's zoning code, however, is not a point of pride for the Town. The zoning code puts Palm Beach in the undistinguished company of many American communities that have outdated, piecemeal updated, cumbersome, and ineffective zoning codes that serve as a barrier to fully achieving the community's vision. One might retort that Palm Beach is doing "just fine" and ask why the Town would spend precious public resources on something as insipid as a review of the zoning code. The answer is that zoning impacts everyone who owns, uses, or interacts with real property – which is everyone who lives in, works in, or visits Palm Beach.

When the Town's last zoning code overhaul was completed in 1974, the legal concept of zoning was less than 50 years old. For a century now, zoning has been recognized as a legitimate exercise of a local government's police powers. Zoning was originally conceived to protect against the adverse public health, safety, and welfare impacts of severe overcrowding and incompatible land uses in New York City, in particular Manhattan. At the time, New York City was rapidly transitioning from a crowded nineteenth century-built environment to an even more crowded, dense, and much taller twentieth century-built environment.

In the decade that followed its adoption, New York City zoning made its way to towns and cities across America, including the Village of Euclid, Ohio. In 1926, zoning was tested by the United States Supreme Court in the *Euclid v. Ambler Realty Co.* - 272 U.S. 365, 47 S. Ct. 114 (1926). Following the Euclid case, about every community in America, including Palm Beach, adopted what is commonly referred to as Euclidean zoning – a brand of zoning known for its emphasis on use segregation and setbacks for the protection of property against incompatible land uses and the preservation of light and airflow.

Euclidean zoning focuses on what is prohibited on property – a proscriptive approach to land use regulating. Modern zoning codes, particularly trends that have emerged over the last decade, focus on promoting a community's vision by prescribing what can be built to advance a community's vision. This approach is outcome driven and concentrates on a mix of land use issues, including use, building form, the pedestrian experience, and relationships among the public and

private realm. It allows the community to set the vision and then regulate to the outcome instead of regulating only to protect against undesirable outcomes. Zoning should be the implementation of a community's plan vision. The Town's zoning should reflect the uniqueness of Palm Beach and the collective vision of its residents. That vision should radiate through the regulations. As the Town prepares for amendments to the zoning code, this report provides a critical review of the Town's existing zoning regulations as they relate to the community's vision and desired outcomes.

It also provides considerations for amendments to better promote the Town's vision and desired outcomes. It is important to note that this analysis is not scientific or absolute. Revising a zoning code to bring it in line with a community's vision and desired outcomes is an iterative process among the Town's residents, its officials, and the outside consultant team.

The analysis, conclusions, and considerations in this report are based on our professional judgment derived from our knowledge and experience with the American system of land use regulations and zoning codes in communities of all shapes and sizes. It is also informed by our visits to Palm Beach, our numerous one-on-one interviews with community members, including Town officials, members of the design community, and engaged residents.

This report is the beginning not the end. It is intended to start the conversation in earnest by exposing shortfalls with the Town's current land use regulatory scheme and suggested considerations that will be the focus of robust policy discussions. Decisions on the scope and content of revisions are ultimately that of the Town Council upon extensive community engagement and input. The considerations in this report are subject to change as we more deeply engage with the community and learn more.

## Guiding Principles

We have reviewed the zoning code through the policy lens of the Town's 2017 Comprehensive Plan and the following general principles:

1. Zoning should regulate only what needs to be regulated to advance the vision and promote public health, safety, and welfare.

Zoning regulations should place limits on the use of land only when necessary to promote general welfare. Regulations that do not relate to public interests, such as health and safety, may overstep the police power and may not be legally defensible.

2. Zoning should respect both existing and desired development patterns.

Zoning regulations should relate to a community's desired development patterns and quality of life. When regulations are out of step with desired development patterns, landowners will often resort to variances to gain approvals for projects that should otherwise be permitted. This increases the cost of investing in a community. Furthermore, processing such approvals and variances can unduly burden government departments.

3. Zoning should be the implementation of a plan, not a barrier to achieving desired outcomes.

Zoning should be a tool to implement a community's vision as expressed in its comprehensive plan. In many instances, a community invests time, funds, and energy into the development of a comprehensive plan, but zoning regulations are overlooked or revised over time in a disjointed manner. This scenario leads to outdated, inconsistent, and disorganized zoning regulations that are cumbersome, intimidating, and costly for property owners and administrators alike, and impede planning goals and economic development. On the other hand, a comprehensive update to zoning within the long-term planning process allows for clear, usable, defensible, and consistent regulations that operate efficiently to protect the public's interests and promote desired outcomes.



## Vision Benchmarks

The Town's zoning code should reflect the community's vision, which currently includes the following:

- **HIGH-QUALITY HOUSING** - Manage the re-development of high-quality homes at a scale that is sensitive to the surrounding context.
- **ENVIRONMENTAL SUSTAINABILITY** - Preserve, protect, and enhance the Town's natural resources.
- **HISTORIC PRESERVATION** - Preserve, protect, and enhance the Town's historic resources and distinctive character.
- **TRANSPORTATION** - Provide a safe, efficient, and convenient transportation system.
- **NON-INTENSIFICATION** - Maintain existing land use patterns and discourage development at higher intensities or densities.

The overarching goal of this zoning review project is to craft custom-tailored, clear, consistent, user-friendly, and defensible zoning regulations that advance the Town's development and quality-of-life vision. The new code should be streamlined, made more user-friendly and more effective at achieving the Town's desired outcomes. Palm Beach is not a one-size-fits all community, and its zoning regulations should not be one size fits all.

## Identified Issues

Additionally, we reviewed the existing code with an eye toward those issues that we have identified on our numerous visits to and tours of the Town, along with several one-on-one interviews with elected and appointed officials, residents, members of the Palm Beach design and building community, and Town staff, among others, as follows:

### Residential Buildings:

- Building location/setbacks
- Second story massing
- Front garage orientation
- Façade articulation
- Homogenous roof planes

### Commercial Development:

- Small-scale infill
- Suburban form
- Setbacks
- Parking
- Varied heights
- Historic PB cannot be rebuilt

### Residential Lots and Lot Features:

- Stormwater capture/runoff
- FEMA elevations
- Site walls and corrugated sheet piles
- Mechanical equipment location
- Shade trees

### Code Usability:

- Unclear
- Inconsistent
- Not user friendly
- Ambiguous
- Variances
- Broken

We have also identified issues that have worked well and should be considered as part of revisions to the zoning code as follows:

- Articulated facades
- One story from street, step up to two-story
- Creative design and massing – not boxy
- Varied roof planes
- Raised houses without raised lots
- Masked raised first floors with steps, porches
- Small courtyard buildings – small-scale infill
- Palm Beach style and character
- Side entry or recessed garages
- Design for shade, comfort, climate

Many of the provisions in the code are administrative in nature and cannot be reviewed for consistency with the land use vision but have been analyzed for efficiency and for purposes of streamlining. The sections in the code that most closely relate to the land use vision are those in Articles 6-7 (Zoning Districts), and those in Articles 8-11 (Generally Applicable Regulations). We have reviewed these sections to determine whether they advance one or more of the land use goals.

Of the land use goals, the code most often promotes high-quality housing and non-intensification, followed by environmental sustainability. It does little to address historic preservation or transportation. This analysis will highlight where the code's emphasis has been and where the focus on revisions is most compelling.









# CODE SNAPSHOT



Section  
02



## Section 2: Code Snapshot

While the Town of Palm Beach was incorporated on April 17, 1911, the Town's first municipal zoning code was introduced in 1930--Zoning Ordinance Number One. A major zoning code rewrite and overhaul occurred in 1974. Its 256 pages have been piecemeal updated ever since. A significant number of piecemeal updates is a strong indication that the Town is reacting to a code that is not keeping up with an evolving community.

The code is divided into three groups of regulations:

- (i) administrative regulations (Articles 1-5);
- (ii) zoning district regulations (Articles 6-7); and
- (iii) generally applicable regulations (Articles 8-11).

Approximately 26% of the administrative sections (Article 1-5) have remained unchanged since the 1974 code. Only 1% of the zoning district provisions (Articles 6, 7), and only 2% of the generally applicable standards (Articles 8-11) remain from the original code.

The code has been regularly updated to address the land use issue de jure, which has created a set of regulations that fail to reflect a cohesive and consistent vision for the Town. The median date for revisions to the code is 2008, reflecting the significant amount of the code that has been amended in recent years. Updates have been more frequent in the last decade than in any other decade since the 1980's, which evidences that the current code is struggling to keep up with the rapid pace of change in the community during this period.

To effectively promote the community's vision, however, the zoning code should be proactive rather than reactive. The code is decidedly Euclidean in nature with a recent focus on building form in an attempt at achieving greater harmony of the surrounding context. Approximately 65% of the district provisions and generally applicable provisions are focused on use, with the remaining 35% focused on building dimensions, form, and location.



Most of the code provisions do not relate specifically to the Town’s land use goals, which makes sense considering that the current goals were not the focus of the code as it was conceived or when many of the amendments were made. Of the zoning district sections (Articles 6-7), approximately 70% of the sections are consistent with at least one land use goal.

The year 2021 was a popular year for code amendments (likely emphasizing the need for a comprehensive review). Approximately 40 sections in Articles 6-7 were amended as recently as 2021. Among the generally applicable sections (Articles 8-11), only 32% of the provisions are consistent with at least one land use goal and only 11 sections were amended in 2021. By comparison, only six of the administrative sections (Articles 1-5) were amended in 2021 and 27 sections (approximately 26%) have never been amended.

As a result of the piecemeal updates, the code does not read as a cohesive set of regulations promoting a commonly understood vision. The code is a mashup of layers of decades of regulations that are failing to achieve the desired development outcomes that make Palm Beach uniquely Palm Beach. It is an attempt at one-size-fits-all solutions to bespoke issues – issues specific to a community on a narrow land mass surrounded by water and with extreme development pressures and astronomically high land values.

CODE CONSISTENCY	Articles 6-7 Zoning Districts	Articles 8-11 Generally Applicable
SECTIONS CONSISTENT WITH AT LEAST ONE LAND USE GOAL	70%	32%
NUMBER OF SECTIONS AMENDED IN 2021	40	11





# Analysis & Considerations



Section

03



# Section 3: Analysis & Considerations

## Administrative Sections (Articles 1-5)

**A**rticles 1-5 contain the code's administrative sections, including introductory provisions, enumerated powers, permits, special exceptions, variances, and waivers, amendments, site plans, nonconformities, and Planned Unit Development (PUD) procedures. These provisions provide the avenue for applications and approvals.

It is our understanding that the Town grants approximately 250 variances annually. Also, we understand that design decisions of the Architectural Review Committee ("ARCOM") are not based on clearly defined standards, relying heavily on subjective beliefs around charm and character. Varying regulations to match reality and requiring hearings without clearly defined goalposts can add time, cost to a project, and make it difficult for the applicant to know precisely what they need to do to gain approval.

A common misconception is that more review makes for better outcomes. The only way to judge whether this is the case is to evaluate what is being built as a result of these processes. In some instances, this may be the case. But from our observations and discussions lengthier and more costly processes may be having the opposite effect and are encouraging copycat design or encouraging creative but not better work arounds to subvert or expedite the process. Additionally, more process increases the cost and thus the regulatory risk of development in the Town. In a high risk, high reward environment like Palm Beach, this can encourage risk mitigation behaviors such as replicating non-controversial design choices.

Clear design guidelines (not regulations) can prescribe a range and variety of design considerations that can provide more consistent guidance for both the community and the property owner and allow designers to be more creative within the general guidelines. Design Guidelines are a tool for architects, developers, and property owners to understand what styles or methods of compatible infill construction. If the proposal meets the guidelines, then it is approved. Debate occurs around whether the project satisfies the guidelines, not whether any one official likes, dislikes, or prefers the proposal. Any back and forth between the Town and the applicant takes place within more clearly defined parameters.

While a quarter of the provisions originated in 1974, the administrative section of the code is not necessarily broken; however, it could be improved by providing clearly prescribed timelines procedures, and review standards and guidelines. The number of variances is a product of zoning standards that are not effectively calibrated to existing and desired development patterns.

There is nothing in the administrative sections that will impact the number of variances applied for and granted but consider establishing a Board of Adjustment to hear variance cases with the Town Council acting as a review body. It is rare for a legislative body to grant variances directly, especially considering the amount of development occurring in Palm Beach. More typically, variances are reviewed by administrative boards, such as a Board of Adjustment, in quasi-judicial hearings.

**Considerations:** Consider the following:

- Include tables and graphics to organize procedures where appropriate. For example, a comprehensive procedures summary table is helpful for the user and administrator.
- There are only 13 graphics in the existing code. Illustrative and regulatory graphics are helpful in simply conveying complex technical concepts.
- Relocate the administrative sections to the end of the code. Modern zoning codes typically locate the administration, procedures, and glossary sections toward the end of the code to focus the reader's attention on answers to the primary questions: what can I do with my property and how can I do it? These important questions should be answered up front with procedures on how to seek and obtain approvals to follow for better organizational flow for the reader and the administrator.
- Include "how to" provisions at the beginning of the code in a "Introduction and How to Use This Code" section. Glossaries tend to be long and despite previous conventional thinking not introductory or a helpful or effective way to begin the code.
- How to measure, interpret language, and how to read the zoning map are essential elements of using the code and should be clearly spelled out with concise wording and graphics/charts.
- Review provisions involving legal standards that need to be compliant with Florida statutory and common law with a licensed Florida attorney.
- Planned Unit Developments (PUD) are intended for large tract development projects (e.g., Del Webb's Sun City). There are very few if any large tracts for development in the Town. Therefore, a lengthy section on PUDs is unnecessary and should be removed. It is not a necessary or desired tool in Palm Beach.
- Establish a Board of Adjustment to relieve the Town Council from granting variances and empower the Town Council to hear all appeals of the Board of Adjustment and to appoint its members.

## **Zoning District Standards (Articles 6-7) – Generally**

The zoning districts and associated standards set forth in Articles 6-7 could be more user-friendly using tables and illustrative and regulatory graphics. This will allow each district to be efficiently laid out so that all standards specific to that district are contained in a maximum of two-to-three pages.

Further, duplication abounds in the district sections. Provisions related to general exceptions to height and yard regulations, to lot grade topography and drainage, and any provisions that are generally applicable across districts should be located either in an introductory section or included with generally applicable regulations. Fewer long paragraphs and more tables and graphics will streamline each district.

## **Zoning District Standards (Articles 6-7) - Residential**

It is clear from a review of the zoning district sections in Articles 6-7 that the code has been piecemeal updated over time primarily toward the goals of achieving high-quality housing, to guard against intensification of land use and development, and to promote environmental sustainability. While these code sections promote several important land use goals, all indications from our one-on-one engagement and observations to date is that the regulation could be more effective at achieving these desired ends.

### **ESTATE RESIDENTIAL (R-AA, R-A)**

The R-AA “Large Estate Residential District” and R-A “Estate Residential District” are generally serving their intended purposes and are not contributing to the principal concerns we have heard related to residential buildings, lots, or features.

These districts are relatively confined to geographic areas to the south of mid-town and reflect existing and desired large-estate development patterns; primarily promoting high-quality housing and non-intensification. Although the residences tend to be quite large in these districts, the east-west oriented lots are also large and allow large estate residences to be appropriately scaled to the lots.

**Considerations:** Consider the following:

- No major considerations other than reformatting and the addition of tables and graphics.
- See the Consistency Matrix at Appendix “A” for specific comments and considerations for each section within the district.



## LOW-DENSITY RESIDENTIAL (R-B)

The R-B zoning district is the largest zone in Palm Beach in terms of land area. As its name indicates, it is intended to be a “low-density” residential district. It also has the largest number of non-estate size residential lots in Palm Beach, each approximately 10,000 square feet in total area. A desire for low-density development within the Town’s medium-size non-estate lots presents significant challenges. The primary challenge of this district is marrying the established east-west parallel street pattern, relatively uniform quarter-acre lots, and the proliferation of 4,000-6,000 square foot homes on lots original developed for 2,000 square foot houses, all with a goal of the district being “low density.”

The R-B zoning district attempts to be all things to all people and that is causing friction among those with residences original to the district and new construction. This is a land use conundrum that can only be solved through particularly calibrated bulk, massing, and building location standards. This is especially true in a community with extraordinarily high land values and where outdoor amenities are prominent residential features.

The parallel street pattern of the R-B zoning district extends the development pattern from mid-town Palm Beach to the northernmost end of the island (note that the east-west streets do not extend to the water north of Wells Road, which alters the development pattern in the north end of Palm Beach by creating uninterrupted waterfront lots along the waters of Lake Worth Lagoon/ Intracoastal Waterway hereinafter (“Lake Worth”).

Interior lots are relatively uniform plats of approximately 1/4 acre (10,000 sq. ft.) of a north-south orientation. Also, in the R-B are waterfront lots along Lake Worth primarily of approximately 1/2 acre (20,000 sq. ft.) of an east-west orientation. The Lake Worth lots are similar to the development patterns of the R-A and R-AA districts to the south; albeit the lots are generally smaller than in the estate districts. In fact, the code applies the R-AA or R-A standards, depending on lot size, to any lot in the R-B zoning district over 20,000 square feet. Although these lots are large, there are those that do not meet the minimum lot size or dimensions. Maximum lot sizes and dimensions may be more appropriate than minimums.

Because lot size is the primary determiner of development patterns in Palm Beach, it does not make sense that larger waterfront lots should be zoned the same as the smaller interior lots. The Lake Worth fronting properties are uniquely situated and sized and deserve a specifically calibrated zoning district. Likewise, the interior “dry” lots that comprise the current R-B zone (those generally between N. Lake Way and N. Ocean Boulevard), are a distinct development pattern that deserves custom-tailored regulations.

Comparatively smaller lots sizes are found in the historic “Sea Streets” (Seaview Avenue, Seaspray Avenue, and Seabreeze Avenue), which, although distinct from the interior lots to the north and the Lake Worth lots, are also located in the R-B zoning district. Among the historic residences are appropriately scaled traditional vernacular dating back to the 1920’s and 1930’s, although larger homes have been constructed in recent years. The Sea Streets and its historic development pattern deserve a distinct district calibrated to this unique part of Palm Beach.

#### Sea Streets Map



*Credit: YARD & Company*

Numerous issues have been raised and identified relative to new development and additions in the R-B zoning district. Among them:

Residential Buildings:

- Building location/setbacks
- Second story massing
- Front garage orientation
- Façade articulation
- Homogenous roof planes

Residential Lots and Lot Features:

- Stormwater capture/runoff
- FEMA elevations
- Site walls and corrugated sheet piles
- Mechanical equipment location
- Shade trees

The existing code is directly contributing to the concerns and doing little to promote desired outcomes. Specifically, while the code includes separate minimum setback requirements for one-story and two-story buildings, many new residences do not adhere to these requirements, which indicates that approximately 250 variances are being granted annually, many related to the cubic content ratio, setbacks, and equipment placement.

Additionally, minimum setback requirements are intended to reduce the impact of allowing taller buildings by setting them back further from the street right-of-way. The code allows front setbacks to be reduced if the rear setbacks are extended, reducing the positive impacts of the first-and-second-story setbacks. Incentivizing larger rear setbacks at the expense of front yard setbacks is simply trading or shifting impacts. Additionally, minimum rear yard setbacks and a minimum rear height plane setbacks are duplicative and inconsistent unless specifically defined to address different conditions.

Likewise, there are separate side yard setbacks for the first and second stories, which differ by two-and-one-half feet. These setbacks are not permitted to be varied if any other setback is increased. A small two-and-one-half foot second-story setback may be in the spirit of protecting against overburdening adjacent one-story residences, it, however, does little to affect any impact of a two-story building on an adjacent one-story building.

Throughout the code the issue of building height is confusing as there are nine separate definitions for building height and there are numerous technical exceptions, yet still there are numerous variances for height increases review and granted annually. The building heights in the R-B zoning district vary by one-or-two story buildings and allow for varied conditions for flat and non-flat roof styles.

Maximum lot coverage coupled with minimum landscape open space and setbacks are methods of defining and limiting footprints, while cubic content ratio, building height plane, 9 height definitions, contribute to a confusing cocktail of regulations attempting to achieve controls on the scale and massing of new residences... that according to history, has not worked for 30 years as the conversation continues.



The cubic content ratio is essentially a three-dimensional building envelope that those who have mastered it may not mind but which leaves others perplexed. Zoning regulations must be able to be applied by design professionals and administered by Town staff. In the case of cubic content ratio (defined as “a measure of land use intensity”), it is either and often both that are left perplexed by its calculation. It is also non-standard in zoning and, as such, the resulting cubic-content ratio is not widely understood like a more commonly used ratio such as floor area ratio (FAR) or more simple lot coverage maximums. Additionally, the cubic-content ratio includes things such as eaves, dormer windows, and other features that may be a desired design feature.

The exceptions to height and yard regulations are also confusing and cumbersome. Contemplated exceptions to rules are generally included because the rules are on-size-fits-all and the code recognizes that there may be a need for common standard exceptions. This approach adds complexity to an already complicated set of regulations and could be addressed more simply by incorporating prescribed ranges and tolerances in the base regulations.

Lot grade topography and drainage is a Town-wide issue that should be addressed in its own section of the code along with other generally applicable regulations. There is an on-going debate between raising lots and raising foundations. Both sides of the debate have been heard, but it seems that raising foundations will have less impact on adjacent properties than raising lots, which can be masked architecturally and through landscaping.

The impact on internal circulation and the need for additional stairs will need to be addressed architecturally and pro-grammatically; however, allowing raised lots creates an uneven topography that must be addressed with retaining walls, pilings, additional stormwater runoff controls, and quality fill material. On balance, the code must consider public health, safety, and welfare, including seal level rise, storm surge, and king tides, freeboard increase from coastal communities, building code requirement, and FEMA standards, ahead of any inconveniences to building design.

**Considerations:** Consider the following:

- Create a new “North Lake Way” zoning district to address the unique development patterns for properties between N. Lake Way and Lake Worth. The remainder of the R-B district should remain in the R-B district with modifications to address the identified concerns.
- Create a new “Sea Streets” zoning district to address the unique development patterns for properties on Seaview, Seaspray, and Seabreeze Avenues.

- Establish a maximum building envelope determined by minimum setbacks, maximum height, and maximum floor area ratio, coupled with a non-building impervious surface maximum to ensure adequate pervious surfaces to accommodate stormwater. Uninhabitable architectural features should not be included in building envelope. Basements should also not be included to allow the building envelope to commence at finished floor elevation.
- Establish a courtyard incentive to allow for up to 10% additional buildable floor area if a courtyard is created, is surrounded by buildings on three sides, and meets the minimum rear yard setbacks.
- Allow for front or side-load garages, but if front load, must be setback at least 10 feet from the front building wall.
- Do not require garages. Instead require on-site parking for a minimum number of vehicles and allow property owners to determine whether a garage is desired.
- Allow pool equipment, air conditioning units, and generators to be located anywhere on the property except for closer to the street than the front building line, and if in the side yard no closer than five feet to the front building line. Such equipment shall be within five feet of the exterior building wall.
- Allow for front yard parking on impervious surfaces only if no garage is included. Front yard parking does not allow impervious surfaces if a one-car garage or tandem garage is included. No front yard parking allowed if a two-bay garage is included.
- Fences are not permitted in any yard. Privacy and decorative walls are allowed in the side and rear yards, only extending as far as the front building line. Retaining walls may be allowed in front of the building line, but only if a maximum height is prescribed and they are heavily landscaped and screened.
- At least 40% of the lot shall be landscaped or softscaped.
- Aim to create tolerances through setback and height averaging so that property owners have a range of acceptable dimensions that are context sensitive and harmonious with surrounding properties. Do not allow variances outside of the range.
- Provide bonuses if property owners give something, such as exceeding minimum design standards. For example, if a property owner adds to the pervious surfaces on the property or foregoes raising the lot in favor of raising the foundation, provide incentives for desirable outcomes. Rebrand variances as waivers for existing structures, particularly landmarked properties. This creates incentives for landmarking and reuse of existing structures rather than demolition.
- Reformatting and addition of tables and graphics.

## MID-TOWN MEDIUM DENSITY RESIDENTIAL (R-C)

The R-C “Medium Density Residential District” is primarily located in mid-town Palm Beach west of S. County Road. In this district, buildings are of varied lot sizes and a mix of residential uses, including single-family, two-family, multi-family, and hotel uses.

The code provides lot and building dimensional standards based on use – single-family, two-family, townhouse, and multi-family uses. Many of the standards are the same across uses and are duplicative. This area is experiencing some of the same challenges experienced in the R-B zoning district with respect to the following:

### Residential Lots and Lot Features:

- Stormwater capture/runoff
- FEMA elevations
- Site walls and corrugated sheet piles
- Mechanical equipment location
- Shade trees

### Considerations: Consider the following:

- Establishing maximum building dimensions and buildable areas for two-and-three-family, townhouse, and multi-family uses to ensure context-sensitive and harmonious development.
- See R-B district considerations regarding raising lots.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “A” for any specific comments and considerations for each section.

## SOUTH END MODERATE-TO-HIGH DENSITY RESIDENTIAL R-D(1), R-D(2)

The R-D(1) “Moderate Density Residential District” and R-D(2) “High Density Residential District” are located in the southernmost part of Palm Beach to the east of S. Ocean Blvd. The predominant development pattern in these districts is mid-rise beachfront condominium buildings and beachfront resort hotels. Because the development pattern in this area is set and not an area experiencing or targeted for change, we have not identified any issues to be addressed in these districts.



**Considerations:** Consider the following:

- No major considerations other than reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “A” for any specific comments and considerations for each section.

## **Zoning District Standards (Articles 6-7) – Commercial**

### **TOWN-SERVING COMMERCIAL DISTRICT (C-TS)**

The C-TS zoning district is focused on the traditional commercial areas of mid-town Palm Beach, not including Worth Avenue or Royal Poinciana Plaza. This district includes the Town’s traditional center around Town Hall.

This district includes a requirement for wide sidewalks, which contributes to larger front building setbacks. Additionally, the artificial limit on architectural towers significantly reduces the ability to create historic development patterns common to mid-town Palm Beach, including those of famed Palm Beach architect Addison Mizner. Historic architectural towers create visual interest along the skyline, shade for vias and courtyards, and interesting spaces with views. While an overall height limit is necessary to maintain the desired scale, the existing restrictions are so limiting that no architectural tower is likely to be constructed.

Further, Peruvian Avenue suffers from being “behind” Worth Avenue and is dominated by a block-long surface parking lot on the majority of the south side of the avenue. It also suffers from the limitations of the C-TS district, which insists on incentivizing open space in an area that would benefit from small-scale walkable infill development. While the surface parking lot fronting Peruvian Avenue primarily serves Worth Avenue and is used by valets, the approximately 1.25 acre, 500-foot-long surface parking lot creates a major void between Worth Avenue and the South County Road commercial area and subordinates Peruvian Avenue.

The boundaries of this district are not contiguous, attempting a one-size-fits-all approach to regulating land use in two distinct parts of Palm Beach; north of Royal Palm and around Phipps Plaza and the North County Road town center.

**Considerations:** Consider the following:

- Eliminate front-yard setbacks in this district as the traditional development pattern is predominantly zero lot line. Allow front yard setbacks only where space is to be programmed (e.g., outdoor dining).

- Allow for more varied building heights, including architectural towers that extend further above the roofline of the main body such as those constructed in some of Palm Beach's most historic and cherished buildings. This will contribute much needed shade and create unique spaces.
- Consider renaming this district "Town Center" (TC).
- Introduce commercial/retail storefront design guidelines.
- Reformatting and addition of tables and graphics.

## WORTH AVENUE (C-WA)

Worth Avenue is unique in its development pattern and its uses as evidenced by the adoption of specific design guidelines for the district. At one-half mile long, it is the longest and most recognized commercial street in Palm Beach. It is also home to some of the most iconic and historic Palm Beach architecture, which is characterized by arcades, loggia, vias, architectural towers, and zero-lot-line buildings. It is intended as a comfortable, shaded, relaxed walkable shopping district that is accessible by car and foot.

A permanent shared parking arrangement would allow property owners to pool their parking needs to avoid wasting valuable land for parking that may not be necessary except during a few times of year. This added expense can instead be used to create amenities such as arcades, loggias, vias, and historically appropriate towers.

Additionally, it is unusual for signs to be considered accessory uses. Signs are more typically regulated as part of the principal use and structure through clearly defined standards.

Requiring site plan review and approval for the change of use of any space greater than 2,000 square feet is very limiting and is an unnecessary expense to the property owner. If the space is being used for the same use i.e., retail to retail, a site plan review and approval process seems unnecessary and 2,000 square feet is relatively small. Perhaps reserving a site plan review and approval for larger spaces could have a larger impact on the district.

The lot and building dimensional standards are out of sync with the historic development pattern of this district. Incentivizing open space, less lot coverage, and less density is antithetical to a vibrant commercial district. Open space in this district is created through vias and courtyards shaded by architectural towers and varied building heights. Rather than incentivizing one-size-fits-all non-contextual spaces, the code should incentivize historically appropriate open spaces such as courtyards and vias.

Considerations: Consider the following:

- Include sign standards in the Worth Avenue Design Guidelines rather than treating them as accessory uses in the code.
- Establish a permanent shared parking arrangement for businesses that operate at different times of day.
- Eliminate minimum open space and constraints on lot coverage in favor of requirements for courtyards, loggia, and other historically appropriate open space amenities.
- Require site plan approval for any new construction or additions; eliminate site plan approval to any change in tenants other than large tenants.
- Reformatting and addition of tables and graphics.
- See also the Consistency Matrix at Appendix “A” for specific comments and considerations for each section.

#### OFFICE, PROFESSIONAL, AND INSTITUTIONAL DISTRICT (C-OPI)

The C-OPI Office, Professional and Institutional District is a major gateway to the Town from West Palm Beach. The purpose statement clearly indicates a preference for town-serving businesses in this district but does little to address the desired development pattern of the district. This may be appropriate as the buildings are subordinate to the impressive royal palms. This is primarily an auto-centric district that is a limited destination (other than the institutions such as the Flagler Museum) and primarily a pass-through to other parts of the Town.

The provisions in this district are duplicative in parts, imprecise in parts, and generally unnecessarily cumbersome for a largely built-out district. There is no need for minimum lot dimensions in this district as the lots are already platted and, if anything, would be consolidated to create larger development parcels. Maximum lot dimensions would be more effective in this district than minimum lot dimensions to guard against lot consolidation and the development of even more massive buildings.

The front yard setback requirements are confusing and would benefit from illustrative graphics. Lot coverage ratios appear to be more like floor area ratios rather than maximum lot coverages.



There is also no need to differentiate between the length of one-story and two-story buildings if the maximum length is the same. Also, it is unclear whether maximum length is defined as street frontage as this term is not defined. Further, there is no need to differentiate between the maximum gross floor area of a one-story, two-story, and three-story buildings since they are the same.

Because this district is primarily intended to control the intensity of development along Royal Palm Way, maximum standards may be more effective at achieving desired development patterns.

**Considerations:** Consider the following:

- Allow the extension of architectural features and the allowable dimensions of awnings and canopies. These features are desirable in the Town's climate. Many historic buildings were built with arcades to shield pedestrians from the weather. This would not be allowed in the current code.
- Rename this district the "Royal Palm Gateway" (C-PG) district to reflect its location and unique development pattern.
- Establish a maximum lot size for the district.
- Control size, scale, and massing through maximum height and lot coverage maximums.
- Introduce commercial/retail storefront design guidelines.
- Reformatting and addition of tables and graphics.
- See also the Consistency Matrix at Appendix "A" for specific comments and considerations for each section).

## PLANNED CENTER DISTRICT (C-PC)

This zoning district only relates to the Royal Poinciana Plaza development, which is developed and has not been identified as an area of desired change.

**Considerations:** Consider the following:

- Rename the district "Royal Poinciana" (C-RP) to reflect its unique location and development pattern.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix "A" for specific comments and considerations for each section.

## COMMERCIAL CENTER DISTRICT (C-B)

The C-B Commercial District is specific to a short-stretch of Royal Palm Way between South County and South Ocean Drive. The lot, yard, and area requirements are like the other commercial districts in mid-town Palm Beach. One story and two-story buildings are needlessly treated differently in this commercial district. Additionally, minimum lot coverage and landscaped open space are not necessary as the commercial buildings tend to fill the lots and the overall intensity can be controlled through maximum height regulations. It is unclear why this district is distinct from the C-OPI district considering the uses and development patterns are similar.

**Considerations:** Consider the following:

- Combine this district with the C-OPI district in a new “Royal Palm Gateway” (C-PG) district.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “A” for specific comments and considerations for each section.

## PLANNED UNIT DEVELOPMENT (PUD)

Planned Unit Developments (PUD) are intended for large tract development projects (e.g., Del Webb’s Sun City). There are very few if any large tracts for development in the Town. Large tracts of land available for development should be zoned appropriately for the desired development pattern.

**Considerations:** Consider the following:

- Eliminate the PUD. It is unnecessary and should be removed. It is not a necessary or desired tool in Palm Beach. Existing PUDs remain.

## CONSERVATION DISTRICT AND BEACH AREA (C, BA)

These districts serve their intended purposes.

**Considerations:** Consider the following:

- No major considerations other than reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “A” for specific comments and considerations for each section.

## Generally Applicable Regulations (Articles 8-11)

Articles 8-11 contain regulations that apply across zoning districts. Many of the existing graphics appear to be hand drawn – 13 in total – are difficult to read and could be clearer and more effective. These provisions, particularly signs and off-street parking, lend themselves well to tables and illustrative/regulatory graphics and they should be included where they are helpful. These regulations generally support the goals of high-quality housing and non-intensification.

Raising lots is a requirement in many cases to address FEMA's requirements for minimum floor area elevation. (See 2021 Fill Ordinance). This practice does not come without impacts, however. While attempting to address one issue, it is creating numerous other issues: namely uneven lot elevations among neighbors, structures towering over adjacent structures, the introduction of retaining walls, and increased runoff onto adjacent properties and rights-of-way.

While the current regulations allow for a lot to be raised in relation to the finished floor level and the crown of the road, the practice of raising lots as opposed to raising foundations is a matter of personal convenience for the property owner and creates externalities for adjacent property owners and the public. Loggias, vestibules, lobbies, enclosures, among others, could be incorporated to allow interior spaces that transition to higher FEMA required floor levels. While all property interests must be balanced, the interests of an individual property owner should be weighed carefully against those of the public.

Wall and fences are an important aspect of the Palm Beach built environment. Along with hedges, they define spaces for outdoor amenities and uses. They serve the privacy needs of property owners and are part of the Town's vernacular.

Off-street parking is an important issue in a largely auto-dependent community. Bicycle infrastructure and culture off designated trails is not prevalent in Palm Beach, and other forms of transportation such as electric scooters and bikeshare are not permitted in the Town. Therefore, transportation is by private car and on foot. Ensuring adequate on-and-off-street parking is important to the success of the Town's businesses and quality of life.

It is difficult to know whether the current off-street parking standards are adequate without undertaking a comprehensive parking demand study. Like most places, parking may be at a premium at certain times and readily available at others. Additionally, the existing off-street parking minimums are based on gross leasable area rather than gross square footage, which distorts the amount of parking required.



Historically, zoning codes have prescribed off-street parking minimums to address peak demand, such as holidays and busy seasons. While this may ensure adequate off-street parking is provided for peak times of the year, it overburdens private property other times. Communities across the nation have eliminated or right sized their off-street parking minimums in favor of market determinations. Surface parking lots , while convenient, do not contribute to a vibrant pedestrian-oriented environment. They should be discouraged in favor of structured, underground or rooftop parking.

Signs are generally tasteful in Palm Beach. The best evidence of an effective zoning code is what is on the ground. The contents of the code's sign regulations seem to be working.

**Considerations:** Consider the following:

- Consider allowing raised lots to a maximum of the crown of the adjacent street only if one or more adjacent lot is already raised or if more than 50% of the lots on the same street are raised. This will reduce the number of new raised lots and encourage using raised foundations instead. Or consider prohibiting raised lots next to designated historic properties to promote harmony with historic properties and incentivize designation.
- Engage a parking demand study for the Town's commercial districts to determine whether the current standards are sufficient.
- Due to their significance, more careful attention should be paid to how hedges, walls, and fences are addressed in the code, namely through illustrative and regulatory graphics for clarity and ease of use.
- Reformatting and addition of tables and graphics.
- Base off-street parking minimums on gross square footage of a building rather than gross leasable area.
- See the Consistency Matrix at Appendix "A" for specific comments and considerations for each section.







# SUMMARY CONCLUSION



Section

04



## Section 4: Summary Conclusion

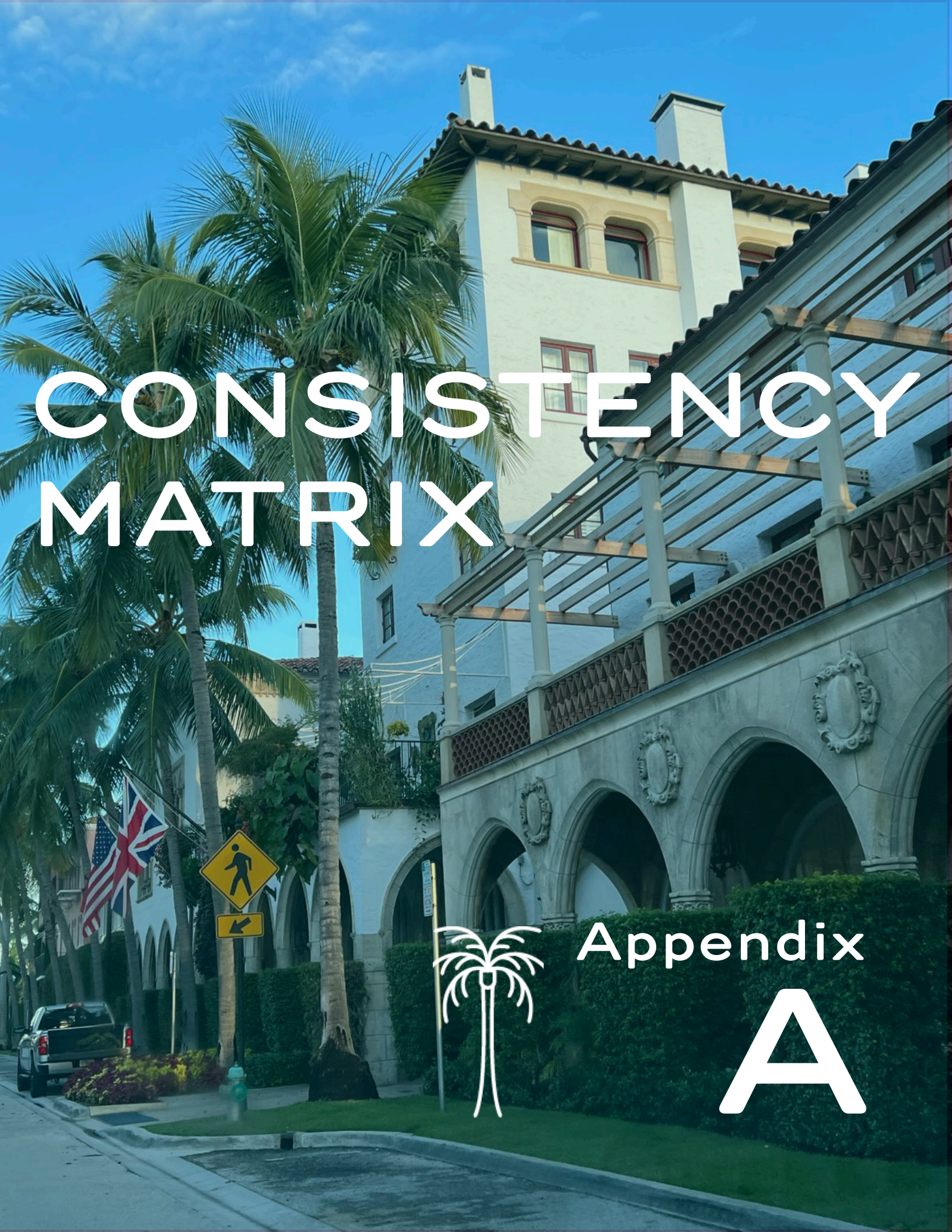
In summary, the zoning code has been piecemeal updated since 1974 to address the zoning and development issues de jure. This has created a disjointed code with inconsistencies and ambiguities that does not portray a unified or clear vision for the Town. The code lacks tables to organize lists such as uses. It also lacks illustrations and graphics to explain complex concepts more simply.

Overall, the code most notably promotes high-quality housing and non-intensification of development, with some emphasis on environmental sustainability. It does little if anything to promote efficient transportation or historic preservation. In fact, it renders many of the historic Palm Beach architecture unbuildable today. Although the code generally promotes high-quality housing and non-intensification of development it does so in a prescriptive and one-size-fits-all manner that results in a significant number of variances being granted annually – a sure sign that the code is not calibrated to desired development outcomes or the Town’s current vision.

The code includes too many one-size-fits-all use-based commercial zoning districts that are not well tailored to existing or desired development patterns or advancing the vision for these areas. Development pattern, geographic-based districts would allow for custom calibration of standards to the desired outcomes in these unique areas of Palm Beach.

As this report details, there is much that can be done to establish clear, consistent, user-friendly, streamlined, and defensible land use regulations that are custom tailored to the Palm Beach of today and tomorrow. We look forward to your comments and feedback.





# CONSISTENCY MATRIX



Appendix  
A



Town of Palm Beach, Florida	Consultant Notes	Year Last Modified (Code Originally Adopted March 26, 1974) (years in red indicate original unmodified provisions)	Chart or Table Recommended (X if yes)	Graphics or Illustrations Recommended (X if yes)
PART II - CODE OF ORDINANCES - CHAPTER 134 ZONING (256 pages)				

ARTICLE I. - IN GENERAL				
Article I is administrative in nature and neither promotes or serves as a barrier to the Town's goals.				
Sec. 134-1. - Purpose; objectives; division of town into districts to accomplish purposes.	The purposes and objectives of the code should be reviewed to ensure consistency with the Comprehensive Plan goals. Additionally, if planned unit development zoning is eliminated from the code, then it should be removed from the purposes and objectives of the code. The term "massing" should be added to the list of items that may be regulated to carry out the purposes of the code.	1974		
Sec. 134-2. - Definitions and rules of construction.	The definitions appear to have been updated regularly, which is positive. Modern zoning codes typically include all defined terms in a glossary at the end of the code for ease of use. The entire glossary will be reviewed and updated to reflect the new code toward the end of the project. The nine different definitions for "height of building" creates useability, administrative, and enforceability challenges. Definitions should have one clear meaning for consistent application. The definition of "family" should be reviewed for consistency with modern standards. Many jurisdictions are opting to replace the term "family" with "household" to better reflect modern understandings of the concept. Clear illustrative graphics should be added where appropriate, and existing graphics modernized and updated for clarity and ease of use.	2021		X
Sec. 134-3. - Interpretation.	The existing interpretation provisions are adequate. Consider adding a "how to measure" section at the beginning of the code as many of the standards in the code are dimensional and it is important to be clear on how to and from/to where to measure.	1974		X
Sec. 134-4. - Classification of districts into less restrictive classifications on finding of unconstitutionality; severability.	The existing language is adequate; provided, however, that updates may be necessary to address any changes to the districts.	1980		
Sec. 134-5. - Effective date.	The effective date of the code will need to be updated if wholesale revisions are made; otherwise it may remain unchanged.	1974		
Sec. 134-6. - Violations.	The existing language is adequate.	1974		
Sec. 134-7. - Violations and penalties.	There is no need for two separate sections titled "violations." Consider creating separate sections; one titled "violations" and the other titled "enforcement and penalties." This section has been relatively recently updated and is adequate to address the concepts.	2010		

ARTICLE II. - ADMINISTRATION				
Article II is administrative in nature and neither promotes or serves as a barrier to the Town's goals.				
Division 1. - Generally				
Sec. 134-36. - Powers of director of planning, zoning and building; town council and town council order for issuance of building permits for variances and special exceptions.	Modern codes typically include an administration section toward the end of the code prior to the glossary. This existing language is adequate and has been relatively recently updated.	2010	X	
Sec. 134-37. - Liability of officers and employees.	This existing language is adequate.	1974		
Sec. 134-38. - Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public hearing.	This existing language is adequate and has been relatively recently updated.	2018		
Division 2. - Permits and Certificate of Occupancy				
Subdivision I. In General				
Sec. 134-66. - Town council, landmark commission and architectural commission application supplementary requirements.	Consider combining these general submission requirements with more specific requirements relative to specific reviews. Also, consider adding a provision that assigns responsibility for determining the completeness or perfection of an application.	1999	X	
Subdivision II. Building Permit				
Sec. 134-86. - Required.	Are building permits also governed by state law? This existing language is adequate.	1974		
Sec. 134-87. - Application.	Is this the full compliment of building permit submission requirements? Consider simply saying that all submission requirements shall be included on forms prescribed from time to time by the Director.	1999		
Sec. 134-88. - Criteria for issuance; display; continuing operation after revocation.	Is building permit approval governed by state law? The existing language is adequate.	1974		
Sec. 134-89. - Denial.	Is building permit approval governed by state law? The existing language is adequate.	1974		
Subdivision III. Certificate of Occupancy				
Sec. 134-111. Required; criteria for issuance; temporary certificate.	The existing language is adequate.	1974		
Division 3. - Appeals				
Sec. 134-141. - Town council powers.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary. The existing language is adequate.	1974		
Sec. 134-142. - Exercise of town council powers.	The existing language is adequate.	2003		
Sec. 134-143. - Persons authorized to appeal.	The existing language is adequate.	1982		
Sec. 134-144. - Stay of work on premises.	The existing language is adequate.	1982		

Town of Palm Beach, Florida	Consultant Notes	Year Last Modified (Code Originally Adopted March 26, 1974) (years in red indicate original unmodified provisions)	Chart or Table Recommended (X if yes)	Graphics or Illustrations Recommended (X if yes)
Sec. 134-145. - Hearing procedure.	The existing language is adequate.	2018		
Division 4. - Special Exceptions, Variances, and Dimensional Waivers				
Subdivision I. - In General				
Sec. 134-171. - Application by property owner; costs of extraordinary professional advice.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary. The existing language is relatively up-to-date and is adequate.	2010	X	
Sec. 134-172. - Uniform development review procedures.	The existing language is relatively up-to-date and is adequate.	2018		
Sec. 134-173. - Deferral request; denial of application; duration of approval; time extension; clarification.	The existing language is up-to-date and adequate.	2021		
Sec. 134-174. - Judicial remedy by circuit court.	The existing language is up-to-date and adequate.	2021		
Subdivision II. - Variances				
Sec. 134-201. - Findings prior to authorization.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary. The existing language is up-to-date and adequate.	2021		
Subdivision III. - Special Exceptions				
Sec. 134-226. - Town council powers.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary.	1991		
Sec. 134-227. - Town council authorization, compliance and site plan review required.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1991		
Sec. 134-228. - Discontinuance or abandonment of use.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1991		
Sec. 134-229. - Requirements for granting.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2014		
Sec. 134-230. - Determination of parking needs of commercial uses.	It is unclear why there would be special parking considerations for special exception uses than permitted uses. Consider simply referring to the minimum parking requirements generally applied.	1991		
Sec. 134-231. - Residential use in C-TS, C-WA or C-OPI district; one-family use above first floor in C-TS, C-WA or C-PC district.	The standards applicable to this section will be reviewed when reviewing the R-C residential district standards.	1991		
Sec. 134-232. - Preferred location of group homes and foster care facilities.	While the intent of this section appears to be walkability it seems out of place in the code. Consider including a section in the code on special use standards. Additionally, the use of words such as "preferred" are aspirational rather than regulatory in nature.	1991		
Sec. 134-233. - Applicability of Worth Avenue Design Guidelines in C-WA district.	Are only special exception uses subject to the Worth Avenue Design Guidelines or is all new construction, additions, and alterations subject to said guidelines? If the latter, then this section may be more appropriately located in the C-WA district later in the code.	1991		
Subdivision VI. - Dimensional Waivers				
Sec. 134-234. - Dimensional waiver described.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary. Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2007		
Sec. 134-235. - General conditions applicable to all dimensional waivers.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2010		
Sec. 134-236. - Dimensional waivers for existing single-family development constructed prior to 1980, and which have not been landmarked.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law. Additionally, is 1980 still the appropriate threshold?	2007		
Sec. 134-237. - Dimensional waivers for landmark properties.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2007		
Division 5. - Amendments				
Subdivision I. In General				
Sec. 134-261. - Town council actions; submission to planning and zoning commission for recommendations and report.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary. Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2018		
Subdivision II. Referendum				
Sec. 134-286. - Effective date of amendments.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary. Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-287. - Power of electors; time limit and number of voters required for filing petition.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-288. - Form of petition: committee of petitioners; affidavit of circulator.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-289. - Filing, examination and certification of petitions.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-290. - Amendment of petitions.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-291. - Amendment suspended until certification of petition and approval by electors.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		



Town of Palm Beach, Florida	Consultant Notes	Year Last Modified (Code Originally Adopted March 26, 1974) (years in red indicate original unmodified provisions)	Chart or Table Recommended (X if yes)	Graphics or Illustrations Recommended (X if yes)
Sec. 134-292. - Consideration by town council.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-293. - Submission to electors.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-294. - Form of ballot.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-295. - Availability of list of qualified electors.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-296. - Result of elections.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		

ARTICLE III. - SITE PLAN				
Article III is administrative in nature and neither promotes or serves as a barrier to the Town's goals.				
Sec. 134-326. - Purpose of review process; building permit denial pending approval; costs of extraordinary professional advice.	Modern zoning codes include these provisions in an administration section toward the end of the code before the glossary. This language is relatively up-to-date and adequate. Not the use of the pronoun "his." Gender-neutral pronouns or "his/her" should be considered.	2010	X	
Sec. 134-327. - Application.	This language is relatively up-to-date and adequate.	2021		
Sec. 134-328. - Site Plan application and notice shall follow the requirements found in Section 134-172, Uniform Development Review Procedures.	This language is relatively up-to-date and adequate.	2021		
Sec. 134-329. - Review by town council.	This language is adequate; however, additional review criteria should be added to reflect the land use goals in the Comprehensive Plan.	1983		
Sec. 134-330. - Action by town council; deviations; time limit for beginning work.	This language is relatively up-to-date and adequate.	2018		

ARTICLE IV. - NONCONFORMITIES				
Article IV is administrative in nature and neither promotes or serves as a barrier to the Town's goals.				
Division 1. Generally				
Division 2. Uses				
Sec. 134-386. - Continuation; definition; intent.	Consider locating the nonconformities article further down in the code before the administration and procedures article. Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1983		
Sec. 134-387. - Extension or expansion.	Prohibiting the expansion or enlargement of nonconformities promotes Non-Intensification.	1991		
Sec. 134-388. - Conversion to permitted or generic use.	The term "generic use" is not typical as all uses should be determined as one of the permitted or special exceptions uses defined in the code or an unlisted prohibited use. Consider removing the provision relative to "generic uses."	1993		
Sec. 134-389. - Special exceptions.	This section is confusing. If a use is approved as a special exception, then it would not be a nonconforming use unless it becomes a nonconforming use as a result of a change to the code that prohibits said use. This can be written more succinctly and clearly.	1983		
Sec. 134-390. - Restoration.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2009		
Sec. 134-391. - Alterations and repairs.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	1984		
Sec. 134-392. - Termination.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2015		
Division 3. - Buildings and Structures				
Sec. 134-416. - Continuation; definition; intent.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2019		
Sec. 134-417. - Extension or expansion.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2018		
Sec. 134-418. - Conversion to conforming building or structure.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2010		
Sec. 134-419. - Restoration, demolition, enlargement, extension, expansion, reconstruction, alteration or repair.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2018		
Sec. 134-420. - Unintentional damage or destruction or partial destruction.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2011		
Division 4. - Land				
Sec. 134-446. - Development and redevelopment of nonconforming residential lots.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law.	2016		

Town of Palm Beach, Florida	Consultant Notes	Year Last Modified (Code Originally Adopted March 26, 1974) (years in red indicate original unmodified provisions)	Chart or Table Recommended (X if yes)	Graphics or Illustrations Recommended (X if yes)
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ARTICLE V. - PLANNED UNIT DEVELOPMENT PROCEDURE				
Article V is administrative in nature and neither promotes or serves as a barrier to the Town's goals.				
Division 1. - Generally				
Sec. 134-476. - Purpose.	There are no significant tracts of land available for development in the Town. A PUD is generally applicable to large scale developments around natural features that require flexibility. If the zoning districts are properly calibrated to the desired development outcomes, there is no need for PUD zoning unless there are large tracts of land available for development. Consider eliminating this type of zoning as it does not relate well to a built-out community like Palm Beach and is not being used. Existing PUDs will remain.	1992		
Sec. 134-477. - District regulations.	Same as above	DNS		
Sec. 134-478. - Town council approval for permitted use and special exception use; review by planning and zoning commission; hearing; site plan review of application.	Same as above	2004		
Division 2. - Procedure				
Subdivision I. In General				
Subdivision II. Tentative Approval				
Sec. 134-531. - Application.	Same as above	1978		
Sec. 134-532. - Public hearings.	Same as above	2018		
Sec. 134-533. - Grant or denial.	Same as above	1978		
Sec. 134-534. - Status of plan after tentative approval.	Same as above	1974		
Subdivision III. Final Approval				
Sec. 134-561. - Application.	Same as above	2010		
Sec. 134-562. - Refusal to grant for variations in tentatively approved plan.	Same as above	2004		
Sec. 134-563. - Certification; filing of record plat; modification before completion of development.	Same as above	1984		
Sec. 134-564. - Abandonment; termination.	Same as above	1984		
Division 3. - Regulations				
Subdivision I. In General				
Subdivision II. Permitted Uses				
Sec. 134-616. - Districts where permitted.	Same as above	1978		
Sec. 134-617. - Compliance.	Same as above	1974		
Sec. 134-618. - Minimum area.	Same as above	1974		
Sec. 134-619. - Open space.	Same as above	1974		
Sec. 134-620. - Residential density.	Same as above	1974		
Sec. 134-621. - Densities bordering estate districts.	Same as above	1974		
Sec. 134-622. - Permitted land uses in PUD-A district.	Same as above	2020		
Sec. 134-623. - Permitted land uses in PUD-B district.	Same as above	1974		
Sec. 134-624. - Permitted land uses in PUD-C district	Same as above	1978		
Subdivision III. Special Exceptions				
Sec. 134-651. - Establishment of special exception planned unit developments.	Same as above	1974		
Sec. 134-652. - Districts where permitted.	Same as above	1974		
Sec. 134-653. - Minimum area requirements.	Same as above	1974		
Sec. 134-654. - Residential density.	Same as above	2004		
Sec. 134-655. - Areas of restricted density in PUD-2 or PUD-3 district.	Same as above	1974		
Sec. 134-656. - Permitted land use.	Same as above	1992		
Sec. 134-657. - Open space.	Same as above	1992		
Division 4. - Standards				
Sec. 134-686. - Compliance with division.	Same as above	1974		
Sec. 134-687. - General standards.	Same as above	1974		
Sec. 134-688. - Design standards.	Same as above	1974		
Sec. 134-689. - Landscape design standards.	Same as above	1978		
Sec. 134-690. - Circulation system design standards.	Same as above	1974		
Sec. 134-691. - Parking and loading design standards.	Same as above	1974		
Division 5. - Cluster Development				
Sec. 134-721. - Variance of net residential density.	Cluster development provisions are positive for preserving green space. With no large tracts available in the Town for cluster development, consider eliminating these provisions.	1974		



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PART II - CODE OF ORDINANCES - CHAPTER 134 ZONING (256 pages)

					Color Key: Red = Inconsistent Green = Generally Consistent Blank = Neither or N/A						
ARTICLE VI. DISTRICT REGULATIONS					Consistency with Town's Land Use Goals						
Division 1. - Generally											
Sec. 134-751. - Establishment of districts.	The Town has 16 zoning districts. The residential zoning districts are distinguished by density. The commercial zones are more geographic and intensity focused. There may be room for additional residential districts based on unique development patterns such as development within the Sea Streets and along Lake Worth.	1980	X							X	
Sec. 134-752. - Zoning map.	The zoning map will be reviewed and updated if there are any desired changes to the districts.	1974								X	
Sec. 134-753. - Interpretation of boundaries.	This language is adequate.	1974								X	
Sec. 134-754. - Schedules of regulations.	This language is adequate.	1993								X	
Sec. 134-755. - Application of regulations.	This language is adequate.	1999								X	
Division 2. - R-AA Large Estate Residential District											
Sec. 134-786. - Purpose.	The R-AA Large Estate Residential District serves its purpose and relates well to the development pattern where mapped.	1993								X	
Sec. 134-787. - Permitted uses.	The permitted uses support the purpose of the district.	2012	X							X	
Sec. 134-788. - Accessory uses.	The accessory uses support the purpose of the district.	2018	X							X	
Sec. 134-789. - Prohibited uses.	This section should include language that all uses not expressly permitted are prohibited, including, but not limited to, the following specific prohibited uses.	2018	X							X	
Sec. 134-790. - Special exception uses.	The use language in this section should be reviewed to ensure compliance with applicable state and federal law; in particular those provisions related to group homes and foster care facilities.	2019	X							X	
Sec. 134-791. - Accessory structures.	Consider allowing accessory uses to include kitchen facilities as most estate accessory uses of this magnitude will include kitchen facilities.	2021		X							X
Sec. 134-792. - Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.	Consider allowing new accessory structures to be used for dwelling units for up to one unit for up to two family members.	1994								X	
Sec. 134-793. - Lot, yard and area requirements—Generally.	Lot, yard, and area requirements should be situated in tables for ease of use and administration. The standards are consistent with the purpose of the district. Lot coverage treats one-story and two-story buildings the same. If this is desired, is it necessary to distinguish based on stories? Maximum density is most appropriately applied to multi-unit developments not single-unit development. Only one principal use is permitted on a lot and the lot dimension standards are adequate to ensure the desired density in this district.	2017	X	X							X
Sec. 134-794. - Same—Existing single-family dwelling development.	The title of this section includes the word "same." This is used throughout the code but its meaning and necessity is unclear. The proviso in this section addresses cubic content but that concept is not included in the R-AA district. This concept can be addressed by simply stating that no addition may cause the dwelling to exceed the current schedule of lot, yard, and bulk regulations for the district.	2004									X
Sec. 134-795. - Same—Exceptions to yard regulations.	These provisions support the purpose of the district.	2021	X	X							X
Sec. 134-796. - Exceptions to height limitations.	These provisions are relatively standard across districts and will be reviewed by district. Consider whether solar panels need to be reviewed if flat against the roof and do not extend above the maximum height limit. The terms observation tower, parapet, and entry façade are undefined.	2018	X	X							X
Sec. 134-797. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height. Lots in the R-AA district are large and raising the entire lot is impractical. It is more likely that the dwelling will be either on a raised foundation or on a raised yard with adequate room for a gradual rise/run to the street. The impacts of raising the foundation or raising the building pad are less pronounced in the R-AA due to the large estate size lots.	2018		X							X
Sec. 134-798. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-799. - Off-street parking and loading.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-800. - Signs.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-801. - Air conditioning and generator equipment.	This language references other sections of the code and is appropriate.	1999								X	
Division 3. - R-A Estate Residential District											
Sec. 134-836. - Purpose.	The R-A Estate Residential District serves its purpose and relates well to the development pattern where mapped.	1993								X	
Sec. 134-837. - Permitted uses.	Same as above.	2012	X							X	

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Sec. 134-838. - Accessory uses.	The accessory uses support the purpose of the district.	2018	X							X	
Sec. 134-839. - Prohibited uses.	This section should include language that all uses not expressly permitted are prohibited, including, but not limited to, the following specific prohibited uses.	2018	X							X	
Sec. 134-840. - Special exception uses.	The use language in this section should be reviewed to ensure compliance with applicable state and federal law; in particular those provisions related to group homes and foster care facilities.	2019	X							X	
Sec. 134-841. - Accessory structures.	Consider allowing accessory uses to include kitchen facilities as most estate accessory uses of this magnitude will include kitchen facilities.	2021		X							X
Sec. 134-842. - Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.	Consider allowing new accessory structures to be used for dwelling units for up to one unit for up to two family members.	1994								X	
Sec. 134-843. - Lot, yard and area requirements—Generally.	Lot, yard, and area requirements should be situated in tables for ease of use and administration. The standards are consistent with the purpose of the district. Lot coverage treats one-story and two-story buildings the same. If this is desired, is it necessary to distinguish based on stories? Maximum density is most appropriately applied to multi-unit developments not single-unit development. Only one principal use is permitted on a lot and the lot dimension standards are adequate to ensure the desired density in this district.	2017	X	X							X
Sec. 134-844. - Same—Existing single-family dwelling development.	The title of this section includes the word "same." This is used throughout the code but its meaning and necessity is unclear. The proviso in this section addresses cubic content but that concept is not included in the R-A district. This concept can be addressed by simply stating that no addition may cause the dwelling to exceed the current schedule of lot, yard, and bulk regulations for the district.	2004									X
Sec. 134-845. - Same—Exceptions to yard regulations.	These provisions support the purpose of the district.	2021	X	X							X
Sec. 134-846. - Exceptions to height limitations.	These provisions are relatively standard across districts and will be reviewed by district. Consider whether solar panels need to be reviewed if flat against the roof and do not extend above the maximum height limit. The terms observation tower, parapet, and entry façade are undefined.	2018	X	X							X
Sec. 134-847. - Lot grade, topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height. Lots in the R-A district are large and raising the entire lot is impractical. It is more likely that the dwelling will be either on a raised foundation or on a raised yard with adequate room for a gradual rise/run to the street. The impacts of raising the foundation or raising the building pad are less pronounced in the R-A due to the large estate size lots.	2021		X							X
Sec. 134-848. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-849. - Off-street parking and loading.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-850. - Signs.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-851. - Air conditioning and generator equipment.	This language references other sections of the code and is appropriate.	1999								X	
Division 4. - R-B Low Density Residential District											
Sec. 134-886. - Purpose.	The R-B district includes the largest amount of land area of any zoning district in the Town. It is also the most prevalent residential zoning district in the Town. The district includes varied development patterns from interior approx. quarter acre lots, to half acre or larger waterfront lots, to historic small lots in the Sea Streets. Consider refining this district by either redrawing its boundaries to encompass one development pattern or creating three subdistricts for each distinct development pattern within the district.	1993								X	
Sec. 134-887. - Permitted uses.	The permitted uses adequately reflect the purpose of the district.	2012	X							X	
Sec. 134-888. - Accessory uses.	The accessory uses adequately reflect the purpose of the district.	2018	X							X	
Sec. 134-889. - Prohibited uses.	This section should include language that all uses not expressly permitted are prohibited, including, but not limited to, the following specific prohibited uses.	2018	X							X	
Sec. 134-890. - Special exception uses.	The special exception uses adequately reflect the purpose of the district.	2019	X							X	
Sec. 134-891. - Accessory structures.	Consider allowing accessory uses to include kitchen facilities as most estate accessory uses of this magnitude will include kitchen facilities. Also, consider including graphics to illustrate these concepts.	2021		X							X
Sec. 134-892. - Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.	These provisions are adequate.	1994								X	



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Sec. 134-893. - Lot, yard and area requirements—Generally.	Lot, yard, and area requirements should be situated in tables for ease of use and administration. The standards are consistent with the purpose of the district. Lot coverage treats one-story and two-story buildings the same. If this is desired, is it necessary to distinguish based on stories? Maximum density is most appropriately applied to multi-unit developments not single-unit development. Only one principal use is permitted on a lot and the lot dimension standards are adequate to ensure the desired density in this district.	2018	X	X							X
Sec. 134-894. - Same—Existing single-family dwelling development.	Consider replacing cubic content with another measure tied to lot coverage, bulk, and massing.	2004									X
Sec. 134-895. - Same—Exceptions to yard regulations.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate.	2021	X	X							X
Sec. 134-896. - Special exceptions to height limitations.	Consider replacing cubic content with another measure tied to lot coverage, bulk, and massing. Should flat solar panels that do not exceed the maximum height be considered exceptions to height regulations? Consider including graphics to illustrate these concepts.	1999		X							X
Sec. 134-897. - Special exceptions to height regulations.	Consider combining this with the section directly above.	1999	X	X							X
Sec. 134-898. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X						X	
Sec. 134-899. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-900. - Off-street parking and loading.	Same as above.	DNS								X	
Sec. 134-901. - Signs.	Same as above.	DNS								X	
Sec. 134-902. - Air conditioning and generator equipment.	Same as above.	1999								X	
Division 5. - R-C Medium Density Residential District											
Sec. 134-941. - Purpose.	The R-C district is primarily mapped in the Mid-Town section of the Town. Its stated purpose adequately reflects its standards.	2012								X	
Sec. 134-942. - Permitted uses.	The permitted uses adequately reflect the stated purpose of the district.	2012	X							X	
Sec. 134-943. - Accessory uses.	The accessory uses adequately reflect the stated purpose of the district.	2002	X							X	
Sec. 134-944. - Prohibited uses.	This section should include language that all uses not expressly permitted are prohibited, including, but not limited to, the following specific prohibited uses.	1994	X							X	
Sec. 134-945. - Special exception uses.	The special exception uses adequately reflect the purpose of the district.	2019	X							X	
Sec. 134-946. - Accessory structures.	Consider allowing accessory uses to include kitchen facilities as most estate accessory uses of this magnitude will include kitchen facilities. Also, consider including graphics to illustrate these concepts.	2021		X							X
Sec. 134-947. - Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.	These provisions are adequate.	1994								X	
Sec. 134-948. - Lot, yard and area requirements—Generally.	Lot, yard, and area requirements should be situated in tables for ease of use and administration. The standards are consistent with the purpose of the district. Lot coverage treats one-story and two-story buildings the same. If this is desired, is it necessary to distinguish based on stories? Maximum density is most appropriately applied to multi-unit developments not single-unit development. Only one principal use is permitted on a lot and the lot dimension standards are adequate to ensure the desired density in this district.	2016	X	X							X
Sec. 134-949. - Same—Existing single-family dwelling development.	Consider replacing cubic content with another measure tied to lot coverage, bulk, and massing.	2010									X
Sec. 134-950. - Same—Exceptions.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate. The title of the section should also be consistent across districts and should be "Exceptions to yard regulations."	2021	X	X							X
Sec. 134-951. - Awnings or trellises in side or rear yards.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate.	1993		X							X
Sec. 134-952. - Exemption to height limitations.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	1999	X	X							X
Sec. 134-953. - Lot grade, topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X						X	
Sec. 134-954. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-955. - Off-street parking and loading.	Same as above.	DNS								X	
Sec. 134-956. - Signs.	Same as above.	DNS								X	
Sec. 134-957. - Air conditioning and generator equipment.	Same as above.	1999								X	
Division 6. - R-D(1) Moderate Density Residential District											
Sec. 134-996. - Purpose.	The R-D(1) Moderate Density Residential District serves its purpose and relates well to the development pattern where mapped.	1993								X	

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Sec. 134-997. - Permitted uses.	The permitted uses adequately reflect the stated purpose of the district.	2012	X							X	
Sec. 134-998. - Accessory uses.	The accessory uses adequately reflect the stated purpose of the district.	2002	X							X	
Sec. 134-999. - Prohibited uses.	This section should include language that all uses not expressly permitted are prohibited, including, but not limited to, the following specific prohibited uses.	1994	X							X	
Sec. 134-1000. - Special exception uses.	The special exception uses adequately reflect the purpose of the district.	2019	X							X	
Sec. 134-1001. - Accessory structures.	Consider allowing accessory uses to include kitchen facilities as most estate accessory uses of this magnitude will include kitchen facilities. Also, consider including graphics to illustrate these concepts.	2021		X							X
Sec. 134-1002. - Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.	These provisions are adequate.	1994		X						X	
Sec. 134-1003. - Accessory uses in multifamily dwellings.	These provisions address non-residential uses that serve only the residents of a particular building. This may be appropriate in many settings, but should be reviewed to determine whether it is appropriate in all settings in this district and whether limited mixed-use development may be permitted or specially permitted.	1974	X								X
Sec. 134-1004. - Lot, yard and area requirements—Generally.	Lot, yard, and area requirements should be situated in tables for ease of use and administration. The standards are consistent with the purpose of the district. Lot coverage treats one-story and two-story buildings the same. If this is desired, is it necessary to distinguish based on stories? Maximum density is most appropriately applied to multi-unit developments not single-unit development. Only one principal use is permitted on a lot and the lot dimension standards are adequate to ensure the desired density in this district.	2016	X	X							X
Sec. 134-1005. - Same—Existing single-family dwelling development.	Consider replacing cubic content with another measure tied to lot coverage, bulk, and massing.	2010	X	X							X
Sec. 134-1006. - Same—Exceptions.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate. The title of the section should also be consistent across districts and should be "Exceptions to yard regulations."	2021	X	X							X
Sec. 134-1007. - Awnings or trellises in side or rear yards.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate.	1993		X							X
Sec. 134-1008. - Special exception to height regulations; special exception structures.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	1992	X	X						X	
Sec. 134-1009. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X						X	
Sec. 134-1010. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-1011. - Off-street parking and loading.	Same as above.	DNS								X	
Sec. 134-1012. - Signs.	Same as above.	DNS								X	
Sec. 134-1013. - Air conditioning and generator equipment.	Same as above.	1999								X	
Sec. 134-1014. - Exemption to height limitations.	Consider combining this section with the height exceptions section above.	1999		X							X
Division 7. - R-D(2) High Density Residential District											
Sec. 134-1051. - Purpose.	The R-D(2) Moderate Density Residential District serves its purpose and relates well to the development pattern where mapped.	2012								X	
Sec. 134-1052. - Permitted uses.	The permitted uses adequately reflect the stated purpose of the district.	2021	X							X	
Sec. 134-1053. - Accessory uses.	The accessory uses adequately reflect the stated purpose of the district.	1994	X							X	
Sec. 134-1054. - Prohibited uses.	This section should include language that all uses not expressly permitted are prohibited, including, but not limited to, the following specific prohibited uses.	1994	X							X	
Sec. 134-1055. - Special exception uses.	The special exception uses adequately reflect the purpose of the district.	2021	X							X	
Sec. 134-1057. - Accessory structures.	Consider allowing accessory uses to include kitchen facilities as most estate accessory uses of this magnitude will include kitchen facilities. Also, consider including graphics to illustrate these concepts.	2021		X							X
Sec. 134-1058. - Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.	These provisions are adequate.	2009		X						X	
Sec. 134-1059. - Accessory uses in apartment houses, hotels and condo-hotels.	These provisions are adequate.	2009	X								X



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Sec. 134-1060. - Lot, yard and area requirements—Generally.	Lot, yard, and area requirements should be situated in tables for ease of use and administration. The standards are consistent with the purpose of the district. Lot coverage treats one-story and two-story buildings the same. If this is desired, is it necessary to distinguish based on stories? Maximum density is most appropriately applied to multi-unit developments not single-unit development. Only one principal use is permitted on a lot and the lot dimension standards are adequate to ensure the desired density in this district.	2016	X	X							X
Sec. 134-1061. - Same—Existing single-family dwelling development.	This does not significantly advance or hinder any of the Zoning Code's goals.	2010	X	X							X
Sec. 134-1062. - Same—Exceptions.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate. The title of the section should also be consistent across districts and should be "Exceptions to yard regulations."	2021	X	X							X
Sec. 134-1063. - Awnings or trellises in side or rear yards.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate.	2009		X							X
Sec. 134-1064. - Special exception to height regulations; special exception structures.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2009	X	X						X	
Sec. 134-1065. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X						X	
Sec. 134-1066. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	2009								X	
Sec. 134-1067. - Off-street parking and loading.	Same as above.	2009								X	
Sec. 134-1068. - Signs.	Same as above.	2009								X	
Sec. 134-1069. - Air conditioning and generator equipment.	Same as above.	2009								X	
Sec. 134-1070. - Exemption to height limitations.	Consider combining this section with the height exceptions section above.	2009		X							X
Division 8. - C-TS Town-Serving Commercial District											
Sec. 134-1106. - Purpose and limitations.	The C-TS Town-Serving Commercial District serves its purpose and relates well to the development pattern where mapped.	1993								X	
Sec. 134-1107. - Permitted uses.	These provisions are up-to-date and adequate.	2021	X							X	
Sec. 134-1108. - Accessory uses.	These provisions are up-to-date and adequate.	2021	X							X	
Sec. 134-1109. - Special exception uses.	These provisions are up-to-date and adequate.	2021	X							X	
Sec. 134-1110. - Accessory structures.	This does not significantly advance or hinder any of the Zoning Code's goals.	1999		X							X
Sec. 134-1112. - Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.	This does not significantly advance or hinder any of the Zoning Code's goals.	1985	X	X							X
Sec. 134-1113. - Lot, yard and area requirements—Generally.	While requiring a ten foot pedestrian sidewalk can encourage pedestrian activity and an activated sidewalk, requiring additional open space results in front yard setbacks that create a more suburban development pattern and erode the streetwall and the pedestrian experience.	2016	X	X							X
Sec. 134-1114. - Same—Exceptions.	Consider including graphics to illustrate these concepts. Otherwise, these provisions are adequate. The title of the section should also be consistent across districts and should be "Exceptions to yard regulations."	2002	X	X							X
Sec. 134-1115. - Special exception to height regulations; special exception structures.	This does not significantly advance or hinder any of the Zoning Code's goals.	1992		X							X
Sec. 134-1116. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-1117. - Off-street parking and loading.	Same as above.	DNS								X	
Sec. 134-1118. - Signs.	Same as above.	DNS								X	
Sec. 134-1119. - Air conditioning and generator equipment.	Same as above.	1999								X	
Sec. 134-1120. - Architectural tower features.	These regulations limit the historic tower designs of Mid-Town Palm Beach. These provisions do not permit the historic towers that were constructed in the Town.	2000		X							X
Sec. 134-1121. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X							X
Division 9. - C-WA Worth Avenue District											
Sec. 134-1156. - Purpose.	The C-WA Worth Avenue District serves its purpose and relates well to the historic development pattern.	2005								X	
Sec. 134-1157. - Permitted uses.	These provisions adequately address the desire to maintain Worth Avenue as a "small-shop" shopping district. Consider codifying supplemental off-site shared parking permanently in the new code.	2021	X							X	
Sec. 134-1158. - Accessory uses.	It is not typical for signs to be considered accessory uses. Is there a reason for this?	2021	X							X	
Sec. 134-1159. - Special exception uses.	Consider including all permitted and special exceptions uses in a single table for ease of use and administration. Uses are very specific, which can make it challenging to repurpose space.	2021	X							X	
Sec. 134-1160. - Accessory structures.	These provisions are adequate.	1999		X							X

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Sec. 134-1162. - Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.	Does going from one permitted use to another in a space larger than 2,000 square feet require a site plan approval? If so, consider eliminating that requirement. The last sentence in this section is unclear: what "maximum dimension" shall not exceed 150 feet?	1985	X	X						X	
Sec. 134-1163. - Lot, yard and area requirements—Generally.	These provisions are duplicative in parts, imprecise in parts, and overall unnecessarily cumbersome for a largely built-out district. This section provides the base regulations while the Worth Avenue Design Guidelines provides specifics. There is no need for minimum lot dimensions in this district as the lots are already platted and if anything would be consolidated to create larger development parcels. Maximum lot dimensions would be more effective in this district than minimum lot dimensions. The front yard setback requirements are confusing and would benefit from a graphic illustration. The lot coverage calculations by floor are confusing and not typical as lot coverage as a concept is the amount of building under roof on a lot. It is unclear how to calculate these lot coverages. They appear to be floor area ratios rather than lot coverages. There is no need to differentiate between the length of one-story and two-story buildings if the maximum length is the same. Also, is length defined as street frontage? This term is not defined. Landscaped open space seems unnecessary in this district. There are numerous vias and public open spaces in this district. Requiring additional private open space on each parcel could erode the historic urban form of Worth Avenue. There is no need to differentiate between the maximum gross floor area of a one-story and two-story building since they are the same.	2016	X	X							X
Sec. 134-1164. - Same—Exceptions.	Consider extending the allowed extension of architectural features and the allowable dimensions of awnings and canopies. These features are desirable in the Town's climate. Many historic buildings were built with arcades to shield the pedestrian from the weather. This would not be allowed in the current code.	1991	X	X							X
Sec. 134-1165. - Special exception to height regulations; special exception structures.	These provisions are antithetical to the existing development patterns in this district. Open space is created by courtyards and vias. Incentivizing increased open space and reduced density and lot coverage does not promote a vibrant pedestrian-oriented town center.	2001	X	X							X
Sec. 134-1166. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-1167. - Off-street parking and loading.	Same as above.	DNS								X	
Sec. 134-1168. - Signs.	Same as above.	DNS								X	
Sec. 134-1169. - Air conditioning and generator equipment.	Same as above.	1999								X	
Sec. 134-1170. - Architectural tower features.	This section contains ambiguities due to undefined terms. For example: What is an architectural tower feature (undefined), and how is it different from a parapet (undefined)? What is an entry façade (undefined)? Also, a five foot tower is not in keeping with the historic architecture of the district, in particular that of Addison Mizner. Consider relying on the Worth Avenue Design Guidelines and eliminating this provision	2000		X							X
Sec. 134-1171. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X							X
Division 10. - C-OPI Office, Professional and Institutional District											
Sec. 134-1206. - Purpose.	The C-OPI Office, Professional and Institutional District is a major gateway to the Town from West Palm Beach. The purpose statement clearly indicates a preference for town-serving businesses in this district, but does little to address the desired development pattern of the district. This may be appropriate as the buildings are subordinate to the impressive royal palms. This is a primarily suto-centric district.	1993								X	
Sec. 134-1207. - Permitted uses.	The list of permitted uses are very narrow and contribute to the lack of street life and vibrancy in this district.	2021	X							X	
Sec. 134-1208. - Accessory uses.	It is unusual for signs to be an accessory use. Off-street parking is an accessory use but standards around placement and screening should be included to ensure that it is subordinate to the principal building uses.	2021	X							X	
Sec. 134-1209. - Special exception uses.	Consider allowing restaurants and lounges/bars when associated with full service restaurants as a matter of right to encourage more vibrancy in this district.	2021	X							X	
Sec. 134-1211. - Accessory structures.	These provisions are adequate.	2009		X							X
Sec. 134-1212. - Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.	Requiring changes in use and new construction to go through the site plan process promotes all goals due to the notice and hearing and the broad nature of a site plan review.	2009	X	X						X	



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Sec. 134-1213. - Lot, yard and area requirements—Generally.	These provisions are duplicative in parts, imprecise in parts, and overall unnecessarily cumbersome for a largely built-out district. There is no need for minimum lot dimensions in this district as the lots are already platted and if anything would be consolidated to create larger development parcels. Maximum lot dimensions would be more effective in this district than minimum lot dimensions. The front yard setback requirements are confusing and would benefit from a graphic illustration. They appear to be floor area ratios rather than lot coverages. There is no need to differentiate between the length of one-story and two-story buildings if the maximum length is the same. Also, is length defined as street frontage? This term is not defined. There is no need to differentiate between the maximum gross floor area of a one-story, two-story, and three-story buildings since they are the same.	2016	X	X							X
Sec. 134-1214. - Same—Exceptions.	Consider extending the allowed extension of architectural features and the allowable dimensions of awnings and canopies. These features are desirable in the Town's climate. Many historic buildings were built with arcades to shield the pedestrian from the weather. This would not be allowed in the current code.	2009	X	X							X
Sec. 134-1215. - Exception to height regulations; special exception structures.	The three-story lot coverage guideline is duplicative of the requirement in Sec. 134-1213.		X	X							X
Sec. 134-1216. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	2009								X	
Sec. 134-1217. - Off-street parking and loading.	Same as above.	2009								X	
Sec. 134-1218. - Signs.	Same as above.	2009								X	
Sec. 134-1219. - Air conditioning and generator equipment.	Same as above.	2009								X	
Sec. 134-1220. - Architectural tower features.	This section contains ambiguities due to undefined terms. For example: What is an architectural tower feature (undefined), and how is it different from a parapet (undefined)? What is an entry façade (undefined)? Also, a five foot tower is not in keeping with the historic architecture of the district, in particular that of Addison Mizner. Consider relying on the Worth Avenue Design Guidelines and eliminating this provision	2009		X							X
Sec. 134-1221. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X							X
Division 11. - C-PC Planned Center District											
Sec. 134-1256. - Purpose and intent.	This district is specifically calibrated for the Royal Poinciana Plaza. The purpose and intent statement should better reflect the desired intent of the district.									X	
Sec. 134-1257. - Permitted uses.	Consider putting all uses in a table for ease of use and administration. Uses should be reviewed regularly to determine if they reflect the market.	2021	X							X	
Sec. 134-1258. - Accessory uses.	Signs are not typically accessory uses. Note that drive-in business service facilities are permitted accessory uses.	1993	X							X	
Sec. 134-1259. - Special exception uses.	Consider putting all uses in a table for ease of use and administration. Uses should be reviewed regularly to determine if they reflect the market.	2021	X							X	
Sec. 134-1261. - Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.	Requiring changes in use and new construction to go through the site plan process promotes all goals due to the notice and hearing and the broad nature of a site plan review.	1985	X	X						X	
Sec. 134-1262. - Lot, yard and area requirements—Generally.	These provisions are similar to the lot, yard, and area requirements for the other commercial districts. One story and two story buildings are needlessly treated differently in this commercial district. Additionally, lot coverage and landscaped open space is also not necessary in this district, which is essentially a planned development.	2004	X	X							X
Sec. 134-1263. - Same—Exceptions.	Consider extending the allowed extension of architectural features and the allowable dimensions of awnings and canopies. These features are desirable in the Town's climate. Many historic buildings were built with arcades to shield the pedestrian from the weather. This would not be allowed in the current code.	2002	X	X							X
Sec. 134-1264. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	DNS								X	
Sec. 134-1265. - Off-street parking and loading.	Same as above.	DNS								X	
Sec. 134-1266. - Signs.	Same as above.	DNS								X	
Sec. 134-1267. - Air conditioning and generator equipment.	Same as above.	1999								X	
Sec. 134-1268. - Architectural tower features.	This section contains ambiguities due to undefined terms. For example: What is an architectural tower feature (undefined), and how is it different from a parapet (undefined)? What is an entry façade (undefined)? Also, a five foot tower is not in keeping with the historic architecture of the district, in particular that of Addison Mizner. Consider relying on the Worth Avenue Design Guidelines and eliminating this provision	2000		X							X
Sec. 134-1269. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X							X
Division 12. - C-B Commercial Center District											



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Sec. 134-1301. - Purpose.	The C-B Commercial District is specific to a short-stretch of Royal Palm Way between South County and South Ocean Drive. The purpose statement describes the development pattern as being compatible with single-family housing, but the actual development pattern is small-to-mid-scale commercial buildings.	1993								X	
Sec. 134-1302. - Permitted uses.	Consider putting all uses in a table for ease of use and administration. Uses should be reviewed regularly to determine if they reflect the market.	2021	X							X	
Sec. 134-1303. - Accessory uses.	Signs are not typically accessory uses. Note that drive-in business service facilities are permitted accessory uses.	2021	X							X	
Sec. 134-1304. - Special exception uses.	Consider putting all uses in a table for ease of use and administration. Uses should be reviewed regularly to determine if they reflect the market.	2021	X							X	
Sec. 134-1306. - Accessory structures.	These provisions are adequate.	2009		X							X
Sec. 134-1307. - Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.	Requiring changes in use and new construction to go through the site plan process promotes all goals due to the notice and hearing and the broad nature of a site plan review.	2009	X	X						X	
Sec. 134-1308. - Lot, yard and area requirements—Generally.	These provisions are similar to the lot, yard, and area requirements for the other commercial districts. One story and two story buildings are needlessly treated differently in this commercial district. Additionally, lot coverage and landscaped open space is also not necessary in this district, which is essentially a planned development.	2018	X	X							X
Sec. 134-1309. - Same—Exceptions.	Consider extending the allowed extension of architectural features and the allowable dimensions of awnings and canopies. These features are desirable in the Town's climate. Many historic buildings were built with arcades to shield the pedestrian from the weather. This would not be allowed in the current code.	2021	X	X							X
Sec. 134-1310. - Commercial buildings.	These provisions are duplicative and can be combined with the lot, yard, and area requirements above.	2009		X							X
Sec. 134-1311. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	2009								X	
Sec. 134-1312. - Off-street parking and loading.	Same as above.	2009								X	
Sec. 134-1313. - Signs.	Same as above.	2009								X	
Sec. 134-1314. - Air conditioning and generator equipment.	Same as above.	2009								X	
Sec. 134-1315. - Architectural tower features.	This section contains ambiguities due to undefined terms. For example: What is an architectural tower feature (undefined), and how is it different from a parapet (undefined)? What is an entry façade (undefined)? Also, a five foot tower is not in keeping with the historic architecture of the district, in particular that of Addison Mizner. Consider relying on the Worth Avenue Design Guidelines and eliminating this provision	2009		X							X
Sec. 134-1316. - Lot grade topography and drainage.	These provisions are relatively standard across districts and will be reviewed by district. Section 134-1600, referenced, calculates lot height based on the height of the crown of the road vis-a-vis the finished floor height.	2021		X							X
Division 13 - C Conservation District											
Sec. 134-1351. - Purpose.	The Conservation District serves the Town's purposes.	1993								X	
Sec. 134-1352. - Permitted uses.	These provisions are adequate.	2012	X							X	
Sec. 134-1353. - Accessory uses.	These provisions are adequate.	2017	X							X	
Sec. 134-1354. - Special exception uses.	These provisions are adequate.	2019	X							X	
Sec. 134-1355. - Prohibited activity.	These provisions are adequate.	2017	X							X	
Division 14. - PUD Planned Unit Development District											
Sec. 134-1391. - Purpose.	There are no significant tracts of land available for development in the Town. A PUD is generally applicable to large scale developments around natural features that require flexibility. If the zoning districts are properly calibrated to the desired devel. Consider eliminating this district.	1993								X	
Sec. 134-1392. - Procedure for approval of planned unit development.	Same as above.	DNS								X	
Sec. 134-1393. - Permitted uses.	Same as above.	2012	X							X	
Sec. 134-1394. - Accessory uses.	Same as above.	1993	X							X	
Sec. 134-1395. - Special exception uses.	Same as above.	2012	X							X	
Sec. 134-1396. - Lot, yard and area requirements.	Same as above.	1998	X	X							X
Sec. 134-1397. - Supplementary district regulations.	Same as above.	DNS								X	
Sec. 134-1398. - Off-street parking and loading.	Same as above.	DNS								X	
Sec. 134-1399. - Signs.	Same as above.	DNS								X	
Sec. 134-1400. - Accessory structures.	Same as above.	1999									X
Sec. 134-1401. - Air conditioning and generator equipment.	Same as above.	1999								X	
Sec. 134-1402. - Lot grade topography and drainage.	Same as above.	2021		X							X
Division 15. - Beach Area											
Sec. 134-1471. - Location.	The Beach Area district serves the Town's purposes.	1993								X	

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Sec. 134-1472. - Permitted uses and structures.	These provisions are adequate. Beach charis and umbrellas are objects not typically considered land uses or structures.	2019	X							X	
Sec. 134-1473. - Special exception uses and structures.	These provisions are adequate.	2019	X							X	
Sec. 134-1474. - Height, width and length limit for properties adjacent to properties in the R-B district.	These provisions are adequate.	2019	X	X							X
Sec. 134-1475. - Height, width and length limit for properties adjacent to properties in districts other than R-B.	These provisions are adequate.	2019	X	X							X
Sec. 134-1476. - Number of beach house buildings and setback.	These provisions are adequate.	2019	X	X							X
Sec. 134-1477. - Supplementary district regulations.	This language references other sections of the code and is appropriate.	2019								X	
Sec. 134-1478. - Off-street parking and loading.	Same as above.	2019								X	
Sec. 134-1479. - Signs.	Same as above.	2019								X	
Sec. 134-1480. - Accessory structures.	Same as above.	2019		X							X
Sec. 134-1481. - Air conditioning and generator equipment.	This does not significantly advance or hinder any of the Zoning Code's goals.	2019								X	
ARTICLE VII. - OVERLAY DISTRICTS		RESERVED									

SCORING SUMMARY

Number of orginal and unmodified sections:	3
Total number of sections:	205
Percentage of original sections:	1%
Number of consistent sections (consistent with at least one goal)	146
Total number of sections:	205
Percentage of consistent sections:	71%
Number of inconsistent sections (inconsistent with at least one goal)	0
Total number of sections:	205
Percentage of consistent sections:	0%
Number of neither or N/A:	59
Total number of sections:	205
Percentage of neither or N/A sections:	29%
Number of use-focused sections:	131
Total number of sections:	205
Percentage of use focused sections:	64%
Percentage of form focused sections:	36%



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PART II - CODE OF ORDINANCES - CHAPTER 134 ZONING (256 pages)											
					Color Key: Red = Inconsistent Green = Generally Consistent Blank = Neither or N/A						
					Consistency with Town's Land Use Goals						
ARTICLE VIII. - SUPPLEMENTARY DISTRICT REGULATIONS											
Division 1. - Generally											
Sec. 134-1516. - Underground location of utility service lines.	The existing language is up-to-date and adequate.	2019								X	
Sec. 134-1517. - Places of assembly.	The existing language is adequate.	2006									X
Sec. 134-1518. - Shared mobility scooters.	The existing language is up-to-date and adequate.	2019								X	
Sec. 134-1519. - Shared mobility bicycles.	The existing language is up-to-date and adequate.	2019								X	
Division 2. - Lot, Yard and Area Requirements											
Subdivision I. In General											
Sec. 134-1547. - Lot, yard and bulk.	This language is unclear. What is meant by "calculated within the confines of a contiguous lot?" Consider including graphics to illustrate these concepts.	1995	X	X							X
Sec. 134-1548. - Yard regulations.	The existing language is up-to-date and adequate.	2021	X	X							X
Subdivision II. Lots											
Sec. 134-1576. - Corner lots.	The existing language is confusing. The graphic is helpful but difficult to read. There is a misspelling of "corner" in the second line. This section needs to be reviewed and discussed for purposes of clarity.	2010		X							X
Sec. 134-1577. - Through lots.	The existing language could be supported by an illustrative graphic.	2010		X							X
Subdivision III. Lot fill											
Sec. 134-1600. - Maximum lot fill allowed.	This section assumes that lot grade increases are desired in all districts. This issue is among those open for discussion. If so, this language is up-to-date and adequate.	2021		X							X
Division 3. - Height and Other Exceptions											
Sec. 134-1606. - General application.	Consider choosing height regulations either in feet or stories. Doing so will eliminate the need for this provision. Also, this provision goes without saying as it essentially says one must follow the law. Consider including a general section like this in the introduction section at the beginning of the code.	1974									X
Sec. 134-1607. - Permitted exceptions.	This section excepts the R-AA, R-A, and R-B districts, but it does not address exceptions in those districts. Consider consolidating all height exceptions for all districts in one section of the code. Also, graphic illustrations would assist in understanding these concepts. Further, consider establishing a Lake Worth base or overlay zoning district to address the unique development pattern of properties fronting Lake Worth.	2018	X	X							X
Sec. 134-1608. - Basements.	Consider replacing "stories" with height regulations in feet as measured from/to a point on the structure. Then whether a basement is considered a story will not be relevant.	2006									X
Sec. 134-1609. - Multilevel and split level structures.	These regulations are specific to the R-B district and should be included in the R-B district section. They are not otherwise generally applicable. Consider selecting stories or feet for height determinations.	2006									X
Sec. 134-1610. - Basement exception.	It is unclear what this is specifically intended to address. Is this intended to address basement tunnels extending from the residence to the beach area? Needs further review and discussion to evaluate. Graphic illustrations would also be helpful to illustrate these concepts.	2006									X
Sec. 134-1611. - Sub-basement exception.	Same as above.	2016									X
Division 4. - Streets											
Sec. 134-1636. - Street lot lines.	Consider graphics to assist in illustrating these concepts. Also, consider allowing principal structures to front on an alley or walkway in certain commercial districts, particularly in midtown Palm Beach.	1999	X	X							X
Sec. 134-1637. - Intersection sight triangle areas for residential districts.	Clear sight lines promote safety for vehicles and pedestrians. Consider clearer graphics to better illustrate these concepts. Additionally, these provisions should reviewed in conjunction with any Town thoroughfare standards as intersections may be able to be redesigned for safer pedestrian circulation.	1983	X	X							X
Division 5. - Walls and Fences											
Sec. 134-1666. - Location generally; compliance.	It is unclear why this provision ends with a colon.	2000	X	X							X
Sec. 134-1667. - Front, street side or street rear yards.	This provision requires further review and discussion. When it was last updated, the Town was not experiencing the raising of lots and the proliferation of associated retaining walls. Additionally, hedges are grown on fences; does this section apply to hedges? Consider including graphics to illustrate these concepts.	2000	X	X							X
Sec. 134-1668. - Gateposts and gates located in front, street side and rear street yard areas.	Consider whether the minimum driveway area in front of and perpendicular to the gates should be extended to 20 feet deep to avoid hanging over into the right-of-way as vehicles are larger than they were when this provision was adopted.	1997	X	X							X
Sec. 134-1669. - Side and rear yards.	This provision requires further review and discussion. When it was last updated, the Town was not experiencing the raising of lots and the proliferation of associated retaining walls. Consider including graphics to illustrate these concepts.	2000	X	X							X
Sec. 134-1670. - Retaining walls.	Same as above.	2004	X	X							X
Sec. 134-1671. - Restrictions.	Consider allowing walls to be placed on the property line. If two walls abutt, then this provision requires a gap between them which can be a safety and sanitary issue. It would also allow for neighbors to share a wall instead of having to construct two separate walls. If they each desire their own wall, then agree to attach them.	2002	X	X							X
Division 6. - Structures											
Subdivision I. In General											
Sec. 134-1696. - Abuse of property by excess number of inhabitants; limitation on number of basement bathrooms.	Occupancy requirements are governed by the building code. It is unclear whether the zoning code addresses number of inhabitants. Requiring only one bathroom in a basement is antithetical to the size of most houses in the Town where at least two bathrooms may be desired.	1984								X	
Sec. 134-1697. - Buildings and structures over Lake Worth.	These provisions are up-to-date and adequate.	2021								X	



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Sec. 134-1698. - Structures, signs and landscape material west of Lake Trail.	These provisions are up-to-date and adequate.	2018								X	
Sec. 134-1699. - Lake Trail access.	These provisions are adequate.	2004								X	
Sec. 134-1700. - Structures and signs along Lake Trail.	These provisions are adequate.	2004								X	
Sec. 134-1701. - Structures east of ocean bulkhead line.	These provisions are adequate.	2004								X	
Sec. 134-1702. - Structures adjacent to ocean bulkhead.	These provisions are adequate.	2004								X	
Subdivision II. Accessory Buildings and Other Structures											
Sec. 134-1726. - Supplementary and incidental to principal structure and use; location.	The use of the principal and accessory structures is separate by definition. Consider rewording this section to clarify the intent.	1994								X	
Sec. 134-1727. - Statue and/or sculpture.	These provisions are adequate.	1996		X						X	
Sec. 134-1728. - Air conditioning and swimming pool, and fountain equipment.	Provisions require equipment setbacks do not indicate from what they are being setback (i.e. the street or the yard setback line?). Consider whether it is necessary to require pool and fountain equipment to be located not more than 25 feet from the pool or fountain water's edge. We have heard extensive feedback that this requirement is causing practical difficulties and hardships for homeowners who do not wish to hear the equipment running while in or around their pool area.	2020		X						X	
Sec. 134-1729. - Generators.	Consider allowing generators on the roof of a building if properly screened from view from the street. This could reduce the need for extensive screening at the ground level and allow for other uses of the ground level.	2020		X						X	
Sec. 134-1730. - Freestanding awnings, carports, portable beach or swimming pool cabanas.	Consider clarifying that these structures are not permitted in any front yard.	1994		X						X	
Sec. 134-1731. - Outdoor lighting equipment.	Consider clarifying where 15 foot high poles are permitted. This is a commercial standard. Residential light poles may be more appropriate at lower heights.	2017		X						X	
Sec. 134-1732. - Temporary storage units.	This provision limits the use of temporary storage units to weekdays. Consider allowing for five consecutive days to allow for weekend use.	2010		X						X	
Sec. 134-1733. - Commercial, institutional and multi-family dumpsters and recycle containers.	These provisions are adequate.	2010		X						X	
Sec. 134-1734. - Playground equipment.	These provisions are adequate.	2015		X						X	
Sec. 134-1735. - Basketball goals.	Consider clarifying that this only applies to outdoor basketball goals not those inside a recreation of gymnasium facility outside of a residential zoning district.	2015		X						X	
Division 7. - Accessory Uses											
Sec. 134-1756. - Supplemental and incidental to principal use; location.	This section is duplicative of Sec. 134-1726.	2000								X	
Sec. 134-1757. - Swimming pools.	Consider whether pools should be allowed in interior courtyards or within a front courtyard.	2018		X						X	
Sec. 134-1758. - Beach houses.	This provision is focused on the use of accessory beach houses. Consider adding additional regulations regarding the form and location of accessory beach houses. Also, consider renaming this section "Accessory Beach Houses and Cabanas."	1988		X						X	
Sec. 134-1759. - Tennis, shuffleboard and racquetball courts.	I suppose we need to add "pickleball" to the list.	2018								X	
Sec. 134-1760. - Storage facility.	These provisions are adequate.	2017								X	
Subdivision II. Drive-In Facilities											
Sec. 134-1786. - Permitted as special exception use.	Consider differentiating between drive-through, drive-up, drive-in, and walk-up uses and creating distinct standards for each. Assign which specific commercial uses to which these apply.	1979								X	
Sec. 134-1787. - Location and arrangement of exits and entrances.	Consider including stacking requirements along with updated standards for entrances and exits.	1979									X
Sec. 134-1788. - Size and arrangement.	Consider including requirements for a maximum number of windows and bays.	1979									X
Division 8. - Automotive Business											
Sec. 134-1816. - Auto rental lots.	This land use is not compatible with the land uses of the Town. Consider prohibiting this use if permitted by applicable law.	1974								X	
Sec. 134-1817. - Service stations.	Same as above. Further, consider regulations around electric charging stations.	1975								X	
Division 9. - Multifamily Dwellings (Apartments), Timeshares and Hotels											
Subdivision I. In General											
Subdivision II. Site Plan											
Sec. 134-1871. - Required.	This Division 9 relates to a time period when this type of building and use was proliferating in the Town. The entirety of Division 9 should be reviewed and revised to reflect modern form, building location, massing, and scale standards for these types of buildings. A new building and development typology should be considered for redevelopment and infill development of these types of buildings.	1985	X								X
Sec. 134-1872. - Arrangement of buildings.	Same as above. Also, it is unclear what is meant by "each dwelling unit shall have a minimum of one exterior exposure." Needs clarification.	1985	X	X							X
Sec. 134-1873. - Supplemental controls.	Consider moving this language to Sec. 134-1871 because it provides for the applicability of this Division 9.	1985	X	X							X
Sec. 134-1874. - Maximum dimension.	Same as Sec. 134-1871 above.	1985	X	X							X
Sec. 134-1875. - Distance between buildings.	Same as above.	1985	X	X							X
Sec. 134-1876. - Distance between buildings and driveways.	Same as above.	1985	X	X							X
Sec. 134-1877. - Recreation space.	Same as above.	1985	X	X							X
Subdivision III. Accessory Commercial Uses in Hotels											
Sec. 134-1906. - Permitted as special exception uses.	These provisions are up-to-date and adequate.	2009								X	
Sec. 134-1907. - Display or sale of merchandise.	These provisions are adequate.	1995								X	
Division 10. - Residential Uses											
Subdivision I. In General											



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Sec. 134-1936. - Manufactured housing.	Confirm that state law requires the code to address manufactured housing and to allow it.	1990								X	
Subdivision II. Townhouses											
Sec. 134-1961. - Purpose.	This Division 10 relates to a time period when this type of building and use was proliferating in the Town. The entirety of Division 10 should be reviewed and revised to reflect modern form, building location, massing, and scale standards for these types of buildings. A new building and development typology should be considered for redevelopment and infill development of these types of buildings.	1979									X
Sec. 134-1962. - Site plan review.	Same as above.	1979									X
Sec. 134-1963. - Density.	Same as above.	1979	X	X							X
Sec. 134-1964. - Lot depth, width, area and coverage.	Same as above.	1979	X	X							X
Sec. 134-1965. - Building groups; access.	Same as above.	1979	X	X							X
Sec. 134-1966. - Land transfer and ownership of development.	Same as above.	1979	X	X							X
Subdivision III. Two-Family Uses											
Sec. 134-1968. - Lot area, lot coverage, and landscaped open space.	These provisions are adequate.	2004	X	X							X
Division 11. - Commercial Uses											
Sec. 134-1996. - Use of open areas of lot or vacant lots within commercial districts.	Is this intended to address farmer's and artisan markets?	1985								X	
Sec. 134-1997. - Electronic banking machines.	These provisions are adequate.	1984								X	
Division 12. - Telecommunication Towers and Antennas											
Subdivision I. In General											
Sec. 134-2026. - Purpose.	Division 12 addresses telecommunications facilities. These regulations are governed by state and federal law. Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state law. We need to confirm whether these regulations adequately address new technologies and small cell facilities.	1997								X	
Sec. 134-2027. - Definitions.	Same as above.	1997								X	
Sec. 134-2028. - Applicability.	Same as above.	1997								X	
Sec. 134-2029. - Permitted or special exception use.	Same as above.	2008								X	
Sec. 134-2030. - Inventory of existing sites.	Same as above.	1997								X	
Sec. 134-2031. - Multiple antenna/tower plan.	Same as above.	1997								X	
Sec. 134-2032. - Franchises.	Same as above.	1997								X	
Sec. 134-2033. - Signs.	Same as above.	1997								X	
Sec. 134-2034. - Removal of abandoned antennas and towers.	Same as above.	1997								X	
Sec. 134-2035. - Permitted uses.	Same as above.	1997								X	
Subdivision II. Special Exception Uses, Requirements											
Sec. 134-2061. - Criteria for review and approval of applications.	Same as above.	2007									X
Sec. 134-2062. - Information required.	Same as above.	2007									X
Sec. 134-2063. - Factors considered in granting special exception approval.	Same as above.	2007									X
Sec. 134-2064. - Availability of suitable existing towers, other structures or alternative technology.	Same as above.	1997									X
Sec. 134-2065. - Setbacks.	Same as above.	1997									X
Sec. 134-2066. - Separation.	Same as above.	1997									X
Sec. 134-2067. - Security enclosure.	Same as above.	1997									X
Sec. 134-2068. - Landscaping.	Same as above.	1997									X
Sec. 134-2069. - Nonconforming uses.	Same as above.	1997									X
Subdivision III. Requirements											
Sec. 134-2096. - State or federal requirements.	Same as above.	1997									X
Sec. 134-2097. - Aesthetics.	Same as above.	1997									X
Sec. 134-2098. - Lighting.	Same as above.	1997									X
Sec. 134-2099. - Construction standards.	Same as above.	1997									X
Sec. 134-2100. - Measurement of setbacks and separation distances.	Same as above.	1997									X
Sec. 134-2101. - Compliance with division.	Same as above.	1997									X
Sec. 134-2102. - Equipment storage; location.	Same as above.	1997									X
Division 13. - Distribution Electric Substations											
Sec. 134-2103. - Purpose.	Same as above.	2008								X	
Division 14. - Conditional Approval of a Special Exception for Sidewalk and/or Private Property Outdoor Cafe Seating Only for Restaurants, Dining Rooms, Retail Specialty Food Including the Sale of Prepared Food for Takeout Only, and Private Social, Swimming, Tennis and Yacht Clubs											
Sec. 134-2104. - Requirements fees and security deposit.	These provisions are up-to-date and adequate; however, consider reviewing annually to determine if they are addressing current public health issues.	2021								X	
Sec. 134-2105. - Application.	Same as above.	2021								X	
Sec. 134-2106. - Standards and criteria for special exception and outdoor cafe permit application review.	Same as above.	2021								X	
Sec. 134-2107. - Liability and insurance.	Same as above.	2021								X	
Sec. 134-2108. - Denial, revocation or suspension of approval.	Same as above.	2021								X	
Sec. 134-2109. - Appeal of denial, suspension or revocation by the director of planning, zoning and building department.	Same as above.	2021								X	
Division 15. - Condominium Hotels											
Sec. 134-2110. - Purpose.	These provisions are adequate.	2009								X	
Sec. 134-2111. - Requirements.	These provisions are adequate.	2009								X	
Division 16. - Reasonable Accommodation Procedures											



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Sec. 134-2112. - Reasonable accommodation procedures.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state and federal law.	2017								X	
Division 17. - Medical Marijuana Treatment Centers and Medical Marijuana Dispensaries											
Sec. 134-2113. - Prohibition.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state and federal law.	2017								X	
Sec. 134-2114. - Development standards.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state and federal law.	2017								X	
Sec. 134-2115. - Requirements for outdoor promotional events.	Because this language involves legal standards it should be reviewed by the Town's legal counsel for compliance with current state and federal law.	2017								X	
ARTICLE IX. - OFF-STREET PARKING AND LOADING											
Division 1. - Generally											
Division 2. - Off-Street Parking											
Sec. 134-2171. - Illustration.	Consider including clearer illustrative graphics. Also, 30 foot turning radius should also be illustrated.	1986	X	X							X
Sec. 134-2172. - Size of spaces and access.	Perpendicular parking spaces of 9 x 20 are more accepted modern standards. Consider including a graphic to illustrate these concepts.	2010	X	X							X
Sec. 134-2173. - Street and sidewalk areas.	This language is adequate.	1984	X	X							X
Sec. 134-2174. - Requirements for construction.	What is meant by "suitable paving." Consider adding specific paving that is acceptable, including pervious pavers if permitted by law.	1984	X	X							X
Sec. 134-2175. - Number of parking spaces required—Generally.	Consider eliminating off-street parking requirements for all landmarked buildings as many of them were developed before the proliferation of the automobile and doing so would reduce the cost of maintaining or redeveloping a landmarked building.	2015	X	X						X	
Sec. 134-2176. - Same—Schedule.	Overall, the minimum requirements are in line with generally accepted norms for off-street parking. To further refine this chart, a parking demand study would need to be undertaken.	2015	X	X						X	
Sec. 134-2177. - Location of parking spaces.	These provisions are up-to-date and adequate.	2021	X	X							X
Sec. 134-2178. - Collective use.	These provisions are up-to-date and adequate.	2015	X	X							X
Sec. 134-2179. - Utilization of yards.	Allowing for underground parking is positive, but requiring a set number of parking spots in residential districts is inefficient and unnecessary.	2010	X	X						X	
Sec. 134-2180. - Approval of plan for ingress, egress and landscaping.	Incorporating the right-of-way manual promotes efficient transportation.	2004	X	X							X
Sec. 134-2181. - Utilization of structures.	These screening and architectural requirements for parking facilities help maintain the historic character of the town.	1998	X	X							X
Sec. 134-2182. - Shared parking in C-TS, C-WA, C-OPI and C-PC commercial zoning districts.	These provisions are up-to-date and adequate.	2021	X	X						X	
Division 3 - Off-Street Loading											
Sec. 134-2211. - Number and dimensions of berths for commercial uses.	For many of the same reasons as described for required parking, required loading docks are unnecessary. Let the market determine whether a dock is necessary at a particular building.	1974	X	X							X
Division 4 - Parking Lots											
Sec. 134-2236. - Site plan review.	Confirm whether this is for stand-alone parking lots. If so, consider eliminating stand-alone parking lots as a permissible use.	1980								X	
Sec. 134-2237. - Alternate guidelines for operation as principal use of land.	Consider eliminating stand-alone parking lots as a permissible use.	2010		X						X	
ARTICLE X. - ON-STREET PARKING PERMITS											
Division 2. - Residential Districts											
Division 1- Generally											
Division 2 - Residential Districts											
Sec. 134-2291. - Findings.	These provisions are adequate.	1994								X	
Sec. 134-2292. - Definitions.	Same as above.	2022								X	
Sec. 134-2294. - Eligibility and criteria for establishing controlled parking residential areas.	Same as above.	1994								X	
Sec. 134-2295. - Procedure for determining controlled parking residential areas.	Same as above.	1994								X	
Sec. 134-2296. - Issuance of special parking permits upon application.	Same as above.	2014								X	
Sec. 134-2297. - Privileges and restrictions.	Same as above.	2022								X	
Sec. 134-2298. - Unlawful acts.	Same as above.	1994								X	
Sec. 134-2299. - Revocation.	Same as above.	2008								X	
Sec. 134-2301. - Penalties.	Same as above.	2014								X	
Sec. 134-2302. - Revocation of decal/permit.	Same as above.	2014								X	
Division 3. - Residential Districts Adjacent to Commercial Districts											
Sec. 134-2326. - Restrictions on parking.	These provisions are adequate.	1989								X	
Sec. 134-2327. - Issuance.	Same as above.	2020								X	
Sec. 134-2328. - Temporary group permits.	Same as above.	2014								X	
Sec. 134-2329. - Fees.	Same as above.	2010								X	
Sec. 134-2330. - Issuance criteria; surrender on termination of conditions.	Same as above.	1989								X	
Sec. 134-2331. - Term.	Same as above.	1989								X	
Sec. 134-2332. - Exceptions.	Same as above.	1989								X	
Sec. 134-2333. - Signs.	Same as above.	1989								X	
Sec. 134-2334. - Unlawful acts.	Same as above.	2014								X	
Sec. 134-2335. - Penalties.	Same as above.	2014								X	
Sec. 134-2336. - Revocation of decal/permit.	Same as above.	2014								X	
ARTICLE XI. - SIGNS											

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Division 1. - Generally											
Sec. 134-2371. - Statement of findings and purpose.	These provisions are up-to-date and adequate.	2016								X	
Sec. 134-2372. - Compliance; substitution, and severability.	Same as above.	2016								X	
Sec. 134-2373. - General regulations and definitions applicable to permitted signs.	Same as above.	2019								X	
Division 2. - Residential Districts											
Sec. 134-2401. - Scope of division.	These provisions are adequate.	2016	X	X						X	
Sec. 134-2402. - Nameplates and identification signs.	Time, place, and manner regulations do not run afoul of the First Amendment, but content-based regulations may (see Reed v. Gilbert). This section needs to be revised to remove any content-based regulations.	2016	X	X						X	
Sec. 134-2403. - Sale or rental signs in R-AA, R-A And R-B districts.	Same as above.	2016	X	X						X	
Sec. 134-2404. - Sale or rental signs in R-C, R-D(1), R-D(2) and PUD districts.	Same as above.	2016	X	X						X	
Sec. 134-2405. - Institutional signs.	Same as above.	2016	X	X						X	
Sec. 134-2406. - Development signs in R-AA, R-A And R-B districts.	Same as above.	2016	X	X						X	
Sec. 134-2407. - Development signs in R-C, R-D(1), R-D(2) and PUD districts.	Same as above.	2016	X	X						X	
Sec. 134-2408. - Artisan's signs.	Same as above.	2016	X	X						X	
Sec. 134-2409. - Temporary political signs and temporary noncommercial signs.	Same as above.	2016	X	X						X	
Sec. 134-2410. - Tow-away signs.	Same as above.	2018	X	X						X	
Sec. 134-2411. - Governmental signs.	These provisions are up-to-date and adequate.	2018	X	X						X	
Division 3. - Commercial Districts											
Sec. 134-2435. - Scope of division.	These provisions are adequate.	2016	X	X						X	
Sec. 134-2436. - Signs in vias and the entrances to vias.	Time, place, and manner regulations do not run afoul of the First Amendment, but content-based regulations may (see Reed v. Gilbert). This section needs to be revised to remove any content-based regulations.	2016	X	X						X	
Sec. 134-2437. - Building identification, business identification and property identification signs.	Same as above.	2019	X	X						X	
Sec. 134-2438. - Size of sign.	Same as above.	2019	X	X						X	
Sec. 134-2439. - Permitted lettering, logos.	Same as above.	2016	X	X						X	
Sec. 134-2440. - Window and door business identification signs.	Same as above.	2016	X	X						X	
Sec. 134-2441. - Height of signs.	Same as above.	2016	X	X						X	
Sec. 134-2442. - Residential uses.	Same as above.	2016	X	X						X	
Sec. 134-2443. - Sale or rental signs.	Same as above.	2016	X	X						X	
Sec. 134-2444. - Aid-to-traffic signs.	Same as above.	2016	X	X						X	
Sec. 134-2445. - Temporary display signs.	Same as above.	2016	X	X						X	
Sec. 134-2446. - Development signs.	Same as above.	2016	X	X						X	
Sec. 134-2447. - Temporary political signs and temporary noncommercial signs.	Same as above.	2016	X	X						X	
Sec. 134-2448. - Menu signs.	Same as above.	2016	X	X						X	
Sec. 134-2449. - Tow-away signs.	Same as above.	2018	X	X						X	
Sec. 134-2450. - Governmental signs.	Same as above.	2018	X	X						X	

SCORING SUMMARY

Number of original and unmodified sections:	3
Total number of sections:	174
Percentage of original sections:	2%

Number of consistent sections (consistent with at least one goal)	55
Total number of sections:	174
Percentage of consistent sections:	32%

Number of inconsistent sections (inconsistently with at least one goal)	7
Total number of sections:	174
Percentage of inconsistent sections:	4%

Number of neither or N/A:	112
Total number of sections:	174
Percentage of neither or N/A sections:	64%

Number of use-focused sections:	113
Total number of sections:	174
Percentage of use focused sections:	65%
Percentage of form focused sections:	35%







# NEW CODE TABLE OF CONTENTS



Appendix  
**B**



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	Rules of Measurement
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	Site Standards
	Standards for Improvements
	Open Space Standards

R-L Lake Trail Residential District  
Intent and Uses  
Site Standards  
Standards for Improvements  
Open Space Standards

R-S Sea Streets Residential District  
Intent and Uses  
Site Standards  
Standards for Improvements  
Open Space Standards

R-MT Mid-Town Residential District  
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R-D Residential District  
Intent and Uses  
Site Standards  
Standards for Improvements  
Open Space Standards

R-D(1) Residential District  
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Site Standards  
Standards for Improvements  
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R-D(2) Residential District  
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Site Standards  
Standards for Improvements  
Open Space Standards

## COMMERCE DISTRICTS

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Site Standards  
Standards for Improvements  
Open Space Standards



WA Worth Avenue District  
Intent and Uses  
Site Standards  
Standards for Improvements  
Open Space Standards

RG Royal Palm Gateway District  
Intent and Uses  
Site Standards  
Standards for Improvements  
Open Space Standards

RP Royal Poinciana District  
Intent and Uses  
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Standards for Improvements  
Open Space Standards

NATURAL AREA DISTRICTS  
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Site Standards  
Standards for Improvements  
Open Space Standards

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Open Space Standards

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**PALM BEACH**  
ZONING CODE REVIEW

**ZONE<sup>CO++</sup>**