

TOWN OF PALM BEACH

Information for Town Council Meeting on:

June 14, 2023

To: Mayor and Town Council Members, Serving as the Local Planning Agency & Town Council

Via: Kirk W. Blouin, Town Manager

From: Wayne Bergman, MCP, LEED-AP, Director PZ&B 

Re: Amendment to the Special Exception Clause in the Commercial Districts Related to Business Tax Receipts (BTRs) and Non-Conforming Permitted Uses
Ordinance No. 009-2023

Date: June 14, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the ordinance on first reading accepting the preliminary findings of the proposed Code language related the Special Exception clause in the commercial districts related to Business Tax Receipts (BTRs) and non-conforming permitted uses.

BOARD OR COMMISSION RECOMMENDATION

On April 27, 2023, the Planning and Zoning Commission recommended Ordinance No. 009-2023, attached as Exhibit A, move forward to first and second reading with the addition of a maximum square footage cap for like for like uses that would not be required to obtain a Special Exception approval in order to obtain a Business Tax Receipt (BTR). The proposed Code language does not apply to restaurants, nightclubs, bar/lounges, cafés, dining rooms or outdoor cafés.

GENERAL INFORMATION

Currently, in order to obtain a BTR for a new business where that use has already been approved as a Special Exception in that zoning district, requires the new tenant to repeat the public hearing process for Special Exception Approval by the Town Council. This requirement is repetitive and cumbersome. Data was conducted into current square footage of retail businesses in determining a maximum square footage limitation. In addition, for informational purposes, research traced the background of the adopting ordinances which established the commercial zoning districts and provided for Special Exception Approval for all new businesses in order to obtain a new occupational license (See Exhibit B).

Staff is proposing to streamline the procedure from the affected commercial districts within the Zoning Code for retail, personal services, office, professional and business services, banks, and other financial institutions by removing the requirement that the tenant apply for a new Special

Exception. The proposed language does not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA) in the C-TS, C-PC, and C-B districts; and any space that is in excess of 8,000 square feet of GLA in the C-WA district. This allowance will not be granted to restaurants, bars, nightclubs, bar/lounges, cafés, dining rooms or outdoor cafés. Should a new restaurant, nightclub, bar/lounge, café, dining room or outdoor café application be submitted, Town Council review and approval will remain required.

TOWN ATTORNEY REVIEW

The subject code amendment has been reviewed and approved for legal form and sufficiency.

Attachment: Proposed Ordinance No. 009-2023
Research Backup

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

ORDINANCE NO. 009-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8, C-TS TOWN-SERVING COMMERCIAL DISTRICT, SECTION 134-1107, PERMITTED USES, SECTION 134-1109, SPECIAL EXCEPTION USES; DIVISION 9, C-WA WORTH AVENUE COMMERCIAL DISTRICT, SECTION 134-1157, PERMITTED USES, SECTION 134-1159, SPECIAL EXCEPTION USES; DIVISION 11, C-PC PLANNED CENTER DISTRICT, SECTION 134-1257, PERMITTED USES, SECTION 134-1259, SPECIAL EXCEPTION USES; DIVISION 12, C-B COMMERCIAL DISTRICT, SECTION 134-1304, SPECIAL EXCEPTION USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 134, Zoning Article VI, District Regulations, Division 8, C-TS Town-Serving Commercial District, is hereby amended as follows:

Sec. 134-1107. - Permitted uses.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses.

(1) ~~However, All future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council~~

approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council.

(2) No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet.

Section 134-1109. - Special exception uses.

(b) ~~An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-TS district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.~~

Section 2. Chapter 134, Zoning Article VI, District Regulations, Division 9, C-WA Worth Avenue Commercial District, is hereby amended as follows:

Sec. 134-1157. - Permitted uses.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses.

(1) ~~However,~~ All future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 4,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 4,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining

to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size or to subdivide into two 5,000 square foot offices, the owner would need to apply for and obtain approval of a special exception from the town council.

(2) No existing commercial use which is subject to the 4,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 4,000 square feet.

Section 134-1159.- Special exception uses.

(b) ~~An owner or tenant of a property, located within the C-WA district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-WA district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 8,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.~~

Section 3. Chapter 134, Zoning Article VI, District Regulations, Division 11, C-PC Planned Center Commercial District, is hereby amended as follows:

Sec. 134-1257. - Permitted uses.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter).

(1) ~~However,~~ All future changes of use shall be limited to those uses listed as permitted uses in subsection (a) of this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to

another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). ~~In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square foot limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval.~~

(2) No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet.

Section 134-1259.- Special exception uses.

(b) ~~An owner or tenant of a property, located within the C-PC district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-PC district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.~~

Section 4. Chapter 134, Zoning Article VI, District Regulations, Division 12, C-B Commercial District, is hereby amended as follows:

Section 134-1304, Special Exception Uses.

(b) ~~An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-B district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as~~

determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.

Section 5. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 6. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2023; and for the Second and Final Reading on this ____ day of ____, 2023.

Danielle H. Moore, Mayor

Margaret Zeidman, Town Council President

Bobbie Lindsay, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kelly Churney, Acting Town Clerk

Edward Cooney, Town Council Member

EXHIBIT B

Status Code	Creation Date	Retire Date	Active Licenses	Licensee Category	DBA Name	SQ FT	ZONING DISTRICT
act	11/4/2002		bustax#0003682509/30/2023 state#OS601157702/01/2022	rtl	BREAKERS' NEWS & GOURMET SHOP	2497	C-TS
cls	9/16/2002	6/1/2018	bustax#0000343609/30/2018	rtl	EVELYN & ARTHUR INC	2475	C-TS
act	8/12/2021		bustax#096039209/30/2023	rtl	FIVESTORY PALM BEACH	2475	C-TS
act	8/12/2019		bustax#096006909/30/2023	rtl	SERENA AND LILY INC	4042	C-TS
act	9/17/2012		bustax#095862709/30/2023	rtl	FERRETTI GROUP	2144	C-WA
act	10/9/2002		state#ANNUAL FOOD PERMIT 146585502/31/2020 state#EV600085103/31/2023 bustax#0001649009/30/2023	rtl	PUBLIX SUPERMARKETS INC #1395	45600	C-TS
act	12/21/2022		bustax#096065809/30/2023	rtl	THE CURRENT	2720	C-PC
act	9/11/2002		bustax#0002067609/30/2023	rtl	LOUIS VUITTON	2188	C-WA
cls	11/18/2003	10/1/2007	bustax#0010020109/30/2007	rtl	ALPARK THE SALON	4700	C-WA
cls	10/24/2007	8/10/2009	bustax#0095728809/30/2008	rtl	YOLY MUNOZ COUTURE	2500	C-WA
act	8/15/2014		bustax#0095905309/30/2023	rtl	AKRIS	2169	C-WA
cls	6/15/2005	3/3/2011	bustax#0010074609/30/2010	rtl	BOSS HUGO BOSS	3158	C-WA
cls	10/17/2018	6/10/2020	bustax#0095985209/30/2020	rtl	LAUNCH PAD	2200	C-WA
act	11/18/2021		bustax#0096049109/30/2023	rtl	UNSUBSCRIBED	2207	C-WA

cls	2/17/2005	6/25/2008	bustax0010063009/30/2008	rtl	GEORGETTE KLINGER	2739	C-WA
cls	10/13/2003	9/30/2013	bustax0010016609/30/2013	rtl	JOHN DE MEDEIROS INTERNATIONAL BOUTIQUE INC	2207	C-WA
cls	10/26/2004	3/9/2010	bustax0010050909/30/2008	rtl	SERENDIPITY FINE ARTS INC	2207	C-WA
cls	2/23/2011	8/29/2011	bustax0095817809/30/2011	rtl	JACKIE ROGERS	2207	C-WA
cls	10/28/2013	9/30/2014	bustax0095890009/30/2014	rtl	LOLE	2207	C-WA
cls	9/29/2014	9/30/2015	bustax0095905509/30/2015	rtl	SHI LONDON	2207	C-WA
cls	9/29/2015	9/30/2017	bustax0095927509/30/2017	rtl	HOP	2207	C-WA
cls	10/10/2017	9/30/2019	bustax0095961909/30/2019	rtl	MASSIMILIANO STANCO	2207	C-WA
cls	9/1/2017	2/28/2018	bustax0095958109/30/2018	rtl	THE KASHA MCKEE GALLERY	3300	C-WA
cls	2/28/2018	5/1/2019	bustax0095973209/30/2019	rtl	GREYSON CLOTHIERS LLC	3315	C-WA
his	12/8/1994	2/1/2009	bustax0003551509/30/2009	rtl	SAKS FIFTH AVENUE (MEN'S RETAIL)	8826	C-WA
act	5/25/1993		bustax0003433509/30/2023 stateBEV*pending stateTOB6011645 (Retail Tobacco Products)01/15/2021	rtl	GREEN'S PHARMACY	3740	C-TS
his	12/4/2002	9/30/2019	bustax0003906309/30/2019	rtl	NEIMAN MARCUS	48661	C-WA
act	9/23/2010		bustax0095809109/30/2023 stateBEV6000002 2COP03/31/2023 stateFIRM#8929866510 0299	rtl	AMICI MARKET	5950	C-TS

cls	6/8/2005	4/1/2010	cert#insp rpt filed bustax0010073909/30 /2010	rtl	MARKET SALAMANDER	5980	C-TS
act	9/16/2002		bustax0001005009/30 /2023	rtl	WALLY FINDLAY GALLERIES INC	5140	C-WA
act	12/3/2002		bustax0001738009/30 /2023	rtl	SAKS FIFTH AVENUE	49917	C-WA
act	11/4/2002		bustax0003115609/30 /2023	rtl	GOLF AND TENNIS PRO SHOP	2126	C-TS
act	1/3/2003		bustax0003082809/30 /2023	rtl	SALVATORE FERRAGAMO	3826	C-WA
cls	11/4/2019	9/30/2020	bustax0096006209/30 /2020	rtl	HIGHLINE @ 211 RPW	2750	C-TS (FROM PAPA. NOT IN EDEN)
act	11/16/2020		bustax0096025709/30 /2022	rtl	HAVEN PALM BEACH LLC	2750	C-TS (FROM PAPA. NOT IN EDEN)
act	2/7/2003		bustax0003872709/30 /2022	rtl	GIORGIO'S OF PALM BEACH	3998	C-WA
cls	5/14/2004	9/30/2018	bustax0010035109/30 /2018	rtl	A B LEVY	5927	C-WA
act	11/6/2018		bustax0095985809/30 /2023	rtl	JENNIFER TATTANELLI	2350	C-WA
cls	11/27/2002	9/30/2012	bustax0003855809/30 /2012	rtl	LUCA LUCA	2725	C-WA
act	11/9/2012		bustax0095862809/30 /2023	rtl	INTERMIX 2374	2520	C-WA
cls	3/10/2003	8/11/2022	bustax0003147309/30 /2022	rtl	ESCADA	7100	C-WA
act	9/18/2020		stateBEV PENDING bustax0096020009/30 /2023	rtl	MAIN STREET BY THE BREAKERS	3532	C-TS
cls	2/25/2003	5/27/2014	bustax0003802209/30 /2014	rtl	JUICY COUTURE	4000	C-WA

act	10/21/2021		bustax0096046209/30/2023	rtl	G/FORE	2300	C-WA
act	3/24/2003		bustax0000864009/30/2023	rtl	GUCCI	5600	C-WA
cls	10/10/2002	9/30/2020	bustax0003798809/30/2020	rtl	BROOKS BROTHERS	6000	C-WA
cls	9/7/2005	12/31/2007	bustax0010078509/30/2008	rtl	GALERIE ELYSEES LLC	2214	C-WA
cls	8/21/2008	7/13/2020	bustax0095749009/30/2021	rtl	MICHAEL KORS COLLECTION	2250	C-WA
act	7/13/2020		bustax0096016009/30/2023	rtl	DANIELI ARTWORLD	2500	C-WA
cls	6/24/1992	6/1/2013	bustax0003363409/30/2013	rtl	THE GAZEBO FLOWER & PLANT SHOP	2500	C-TS
cls	2/24/2015	9/30/2016	bustax0095914609/30/2016	rtl	PARADISE LOST	2500	C-TS
act	5/24/2021		bustax0096035909/30/2023	rtl	LIGNE ROSET	2450	C-TS
cls	8/19/2019	4/30/2021	bustax0096001009/30/2021	rtl	GIORGIO'S OF PALM BEACH	3998	C-WA
act	4/13/2021		bustax0096034709/30/2022	rtl	GALERIE DANIELI	3500	C-WA
cls	11/26/2002	8/30/2010	bustax0003892109/30/2010	rtl	LANA MARKS	2300	C-WA
cls	11/7/2018	2/5/2021	bustax0095986309/30/2021	rtl	EVELYN & ARTHUR	2172	C-TS
cls	10/24/2017	2/1/2020	bustax0095962509/30/2020	rtl	B PETERSON	2466	C-TS
act	7/17/2018		bustax0095978909/30/2023	rtl	LILLY PULITZER	3952	C-WA
act	10/29/2020		bustax0096025009/30/2023	rtl	PAULA COOPER GALLERY	2770	C-WA
act	9/1/2020		bustax0096019009/30/2023	rtl	VALENTINA KOVA	2030	C-WA

cls	1/22/1993	5/26/2016	bustax0003411709/30/2016	rtl	GIORGIO ARMANI	4683	C-WA
cls	9/9/2002	9/30/2017	bustax0003901709/30/2017	rtl	CALYPSO	2050	C-WA
cls	11/13/2017	9/30/2020	bustax0095964709/30/2020	rtl	CONTESSA GALLERY	2300	C-WA
act	8/23/2002		stateBEV601273803/31/2023 bustax0003993809/30/2023	rtl	FEDCO DRUGS	3800	C-TS
act	12/17/2020		bustax0096031809/30/2023	rtl	TW FINE ART	2800	C-WA
act	12/9/2002		bustax0003753009/30/2023	rtl	ST JOHN	5200	C-WA
act	12/13/1991		bustax0003322509/30/2023 cert#60-8012211052	rtl	TIFFANY & CO	5440	C-WA
act	10/8/2002		bustax0000006509/30/2023	rtl	MILDRED HOIT INC	3764	C-TS
act	10/4/2002		bustax0003797409/30/2023	rtl	RALPH LAUREN	15816	C-WA
act	9/4/2002		bustax0000405209/30/2023	rtl	CHANEL	9526	C-WA
cls	4/12/2012	8/25/2020	bustax0095844709/30/2020	rtl	LORI JAYNE MONOGRAMMIN G AND MORE	2400	C-TS
act	1/24/2022		bustax0096052509/30/2023	rtl	SHOES N MORE	2200	C-TS
act	9/12/2013		bustax0095883209/30/2023	rtl	VINEYARD VINES	2803	C-WA
act	9/11/2002		bustax0001375009/30/2023	rtl	MAUS & HOFFMAN INC	5200	C-WA
cls	10/17/2002	11/18/2009	bustax0003814609/30/2008	rtl	PHILLIPS GALLERIES	3400	C-WA
act	8/16/2018		bustax0095980909/30/2023	rtl	ADELSON GALLERIES	3400	C-WA

cls	12/15/2003	9/30/2020	bustax0010022009/30/2020	rtl	RAPUNZEL'S CLOSET	2840	C-TS
act	10/28/2020		bustax0096024009/30/2022	rtl	LIFESTYLE SO CHIC LLC	2900	C-TS
his	1/2/2003	9/30/2013	bustax0003693509/30/2013	rtl	FIANDACA	1500	C-WA
act	11/13/2013		bustax0095890809/30/2023	rtl	THE SILVER FUND	2645	C-WA
act	10/19/2004		bustax0010049709/30/2023	rtl	HOLDEN LUNTZ GALLERY	2611	C-WA
cls	9/12/2007	4/1/2009	bustax0095715709/30/2008	rtl	EMILIO ROBBA	2691	C-TS
cls	9/24/2008	3/17/2010	bustax0095753909/30/2010	rtl	PERSIAN GALLERIES	2700	C-TS
cls	5/7/2013	8/25/2020	bustax0095872809/30/2020	rtl	ISLAND HOME	3000	C-WA
act	8/25/2020		bustax0096016809/30/2023	rtl	SHARIS PALM BEACH	3000	C-WA
act	11/8/2002		bustax0000422309/30/2023	rtl	C ORRICO	5500	C-TS
act	12/28/1992		bustax0003404509/30/2023	rtl	MARY MAHONEY	2065	C-WA
cls	12/9/1993	7/20/2009	bustax0003489109/30/2008	rtl	BRIGHTON PAVILLION	2082	C-WA
cls	11/4/2004	2/21/2008	bustax0010052209/30/2007	rtl	BRANDON OF PALM BEACH ISLAND	5500	C-PC
his	4/3/2003	11/18/2009	bustax0003776309/30/2009	rtl	DESIGNER TO YOU	2500	C-PC
act	11/13/2002		bustax0000068109/30/2023	rtl	HERMES OF PARIS INC	7725	C-PC
act	8/16/2017		bustax0095956609/30/2023	rtl	KIRNA ZABETE	2902	C-PC
act	6/26/2019		bustax0095997009/30/2023	rtl	ZIMMERMANN	2119	C-PC

ORDINANCE NO. 4-80

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2-74, AS AMENDED, ENTITLED "AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWN OF PALM BEACH, AMENDING ZONING ORDINANCE NO. 1-47, AS AMENDED, INCLUDING THE AMENDED ZONING MAP MADE A PART OF SAID ORDINANCE, WHICH SAID ORDINANCE IS ENTITLED "AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWN OF PALM BEACH, FLORIDA; TO FACILITATE THE ADEQUATE PROVISIONS OF TRANSPORTATION, SEWERAGE, WATER, SCHOOLS, PARKS, AND OTHER PUBLIC REQUIREMENTS; TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, LAND AND WATER FOR TRADE, RESIDENCE OR OTHER PURPOSE; TO REGULATE AND RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF BUILDINGS; TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF ALL YARDS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; TO REGULATE AND RESTRICT THE DENSITY OF POPULATION, AND FOR ALL SAID PURPOSES TO DIVIDE THE TOWN INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE BEST SUITED TO CARRY OUT THESE REGULATIONS AND AMENDMENTS; TO PROVIDE FOR ITS ENFORCEMENT; PROVIDING FOR SPECIAL EXCEPTIONS AND VARIANCES IN EVENT OF HARDSHIP, AND PROVIDING PENALTIES FOR A VIOLATION HEREOF", AND WHICH SAID ORDINANCE, AS AMENDED, IS FULLY SET FORTH IN CHAPTER 33 OF THE CODE OF ORDINANCES, TOWN OF PALM BEACH, FLORIDA, ENTITLED 'ZONING AND PLANNING'; AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, TOWN OF PALM BEACH, ENTITLED 'SIGNS, BILLBOARDS AND AWNINGS'; PROVIDING PENALTIES FOR ANY VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE"; CHANGING EXISTING REGULATIONS IN THE C-A COMMERCIAL ZONING DISTRICT TO COMMERCIAL-TOWN SERVING (C-TS), COMMERCIAL-WORTH AVENUE (C-WA) AND OFFICE, PROFESSIONAL AND INSTITUTIONAL (C-OP); CREATING A SPECIAL ZONING DISTRICT FOR ROYAL POINCIANA PLAZA; MODIFYING MINIMUM LOT WIDTH AND AREA REGULATIONS IN R-AA DISTRICT; REZONING A PORTION OF PHIPPS PLAZA FROM C-A COMMERCIAL DISTRICT TO R-C MEDIUM DENSITY RESIDENTIAL DISTRICT; MODIFYING BUILDING HEIGHT AND LANDSCAPE OPEN SPACE REGULATIONS IN C-B COMMERCIAL DISTRICT; AMENDING THE DEFINITION OF ABANDONMENT AND PARTIAL DESTRUCTION IN SEC. 8.30 OF THE OFFICIAL ZONING ORDINANCE; PROVIDING FOR AMORTIZATION OF EXISTING NONCONFORMING PARKING LOTS; REGULATING UN-ATTACHED ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS; AMENDING SITE PLAN REVIEW REQUIREMENTS IN COMMERCIAL ZONING DISTRICTS; MODIFYING REGULATIONS PERTAINING TO HOTELS IN THE RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; MODIFYING OFF-STREET PARKING REQUIREMENTS IN COMMERCIAL ZONING DISTRICTS AND THE LOCATION OF SUCH PARKING; REGULATING MUSEUMS AND NON-PROFIT CULTURAL CENTERS IN RESIDENTIAL ZONING DISTRICTS; MODIFYING THE REGULATIONS CONCERNING BUSINESS SIGNS IN COMMERCIAL ZONING DISTRICTS; MODIFYING SECTION ENTITLED "DEFINITIONS" BY ADDING ADDITIONAL DEFINITION

ITEMS; MODIFYING THE TOWN'S ZONING MAP ACCORDING-
LY BY THE PROPER TOWN OFFICIAL TO REFLECT CHANGES
IN ZONING DISTRICT CLASSIFICATIONS; MODIFYING SEC-
TION ENTITLED "SPECIAL EXCEPTION USES"; PROVIDING
FOR STATUS OF NONCONFORMITIES CONTAINED WITHIN A
SPECIAL EXCEPTION USE; REPEALING ALL ORDINANCES OR
PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVID-
ING A SAVINGS CLAUSE; AND PROVIDING WHEN THIS OR-
DINANCE SHALL BECOME EFFECTIVE.

o o o

WHEREAS, after Public Hearings pursuant to notice
as required by law, the Town Council does hereby find, de-
termine and declare that the public health, safety, morals
and general welfare of the citizens of the Town of Palm
Beach require that the aforesaid Zoning Ordinance No. 2-74
be further amended as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUN-
CIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
as follows:

Sec. 1: -- Sec. 2.10 of the aforesaid ordinance
entitled "Definitions" shall be amended as follows by add-
ing the following definitions:

"Sec. 2.10 - Definitions.

Retail Establishments: Establishments sell-
ing commodities or goods to ultimate consumers.

Personal Service Establishments: Establish-
ments primarily engaged in the provision of
services to individuals dealing with their
person or immediate effects. Personal services
would include, but not necessarily be limited
to, hairstyling or beauty services, tailor/
dressmaker, travel agent, cleaning services,
interior decorator services, dance studio or
similar personal instruction services.

Office and Professional Services: Administra-
tive offices and establishments providing pro-
fessional services such as lawyers, doctors,
brokers, insurance agents, realtors, consultants,
interior designers, architects and engineers.

Business Services: Establishments providing
support services to other business concerns.
Business services would include, but not ne-
cessarily be limited to, print shops, secretarial
services, travel agents, drafting services, and ad-
vertising agencies, etc.

Banks and Financial Institutions: Establish-
ments providing saving, lending, or trust services to
the public. Banks and financial institutions

would include, but not necessarily be limited to, banks, savings and loan associations, mortgage companies, loan offices, credit unions, and trust companies.

✓ Institutions: Public and semi-public uses of a non-profit nature typically engaged in public service, e.g., houses of worship, non-profit cultural centers, charitable organizations.

✓ Town Person(s): All full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the Town.

✓ Town-serving: Establishments principally oriented to serving the needs of Town Persons which would not substantially rely upon the patronage of persons not defined as Town Persons. Town-serving establishments, by definition, would typically contain 2,000 or less square feet of interior Gross Leasable Area (GLA) and would not engage in advertising designed to attract other than Town Persons.

✓ Employee: An employee is defined as any person generally working onsite for the establishment and shall include sole proprietors, partners, limited partners, corporate officers and the like.

✓ Museum: An institution for collecting, preparing, and exhibiting rare, interesting, or typical specimens of works of art, science, invention, manufacturers, etc., or of antiquities, curiosities; or objects of natural history; also, the collection of such articles or their repository.

✓ Non-Profit Cultural Center: An institution for promoting education and the refinement of taste, intellectual and aesthetic matters, not including museum or display uses, operated without profit".

Sec. 2: -- Sec. 3.10 of the aforesaid ordinance entitled "Establishment of Districts" shall be amended to read as follows:

"Sec. 3.10 - Establishment of Districts.

For the purposes of protecting, promoting and improving the public health, safety, morals and the general welfare of the people, the Town of Palm Beach is hereby divided into the following districts:

R-AA	Large estate residential
R-A	Estate residential
R-B	Low density residential
R-C	Medium density residential
R-D(1)	Moderate density residential
R-D(2)	High density residential
C-TS	Commercial - Town serving
C-WA	Commercial-Worth Avenue
C-OPI	Commercial - Offices, professional and institutional

C-PC	Commercial - Planned Center
C-B	Commercial, offices
PUD-A	Planned Unit Development
PUD-B	Planned Unit Development
PUD-C	Planned Unit Development
BEACH AREA	Beach area"

Sec. 3: -- Sec.4.10 of the aforesaid ordinance entitled "Schedules of Regulations" shall be amended as follows:

- "(a) By removing schedule of use regulations for C-A Commercial District and substituting therefor the schedules of use regulations for C-TS Town-Serving Commercial, C-WA Worth Avenue District, C-PC Planned Center, C-OPI Office, Professional and Institutional District as attached hereto.
- (b) By amending the schedule of Lot, Yard and Bulk Regulations for R-AA Residential District by increasing the minimum lot area to 60,000 square feet and the minimum lot width to 150 feet and the maximum density (D.U's acre) to 0.667. This paragraph shall not apply to approved subdivisions, the plats of which have been approved by the Town Council prior to the enactment of this ordinance; however, all provisions of Ordinance No.2-74, as amended, through and including Ordinance No. 7-79, shall apply to said subdivisions.
- (c) By amending the schedule of Lot, Yard and Bulk Regulations for all Commercial Districts as shown on the attached sheet.
- (d) By amending the schedule of Use Regulations in R-AA, R-A and R-B Residential Districts by adding under accessory uses the following paragraph:
The use of any portion of any building or accessory building or any land in this District for the accessory use as a museum or frequent or continuing display to the public is prohibited.

And under special exception uses the following paragraph:

Museums occupying buildings of unique value as historical landmarks as determined by the Landmarks Preservation Commission and the Town Council of the Town of Palm Beach, and for which it is demonstrated that no Permitted Use is economically viable".

Sec. 4: -- Any reference in Ordinance No. 2-74 as amended to C-A Commercial District shall be deemed to apply to C-TS Commercial - Town-Serving; C-WA Commercial-Worth Avenue; C-OPI Commercial, Office, Professional and Institutional; and C-PC Commercial - Planned Center.

SCHEDULE OF USE REGULATIONS (cont'd)
PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES*	ACCESSORY USES *	SPECIAL EXCEPTION USES *
C-TS Town-Serving Commercial	It is the intent of this district to create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of Townpersons. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; and retail drive-in facilities are not permitted. Further, in order to maintain the Town-serving nature of the district, limitations on gross leasable floor (GLA) area are imposed.	Maximum of 2,000 sq. ft. of Gross Leasable Area (GLA): 1. Retail and service establishments, such as: restaurants and drinking establishments, hardware stores, food stores, clothing stores, drug stores, barber shops, beauty salons and jewelry stores. 2. Office and Professional Services and Business Services 3. Banks and financial institutions. 4. Non-Profit Cultural Centers. 5. Professional or Studio-type Schools. 6. Essential Services.	1. Off-street parking and loading. 2. Signs. 3. One-Family dwellings located above the first floor. 4. Accessory uses customarily incident to the permitted or approved Special Exception Uses.	1. Public or private parking lots or storage garages. 2. Auto rental lots. 3. Multi-family dwellings. 4. Private social, swimming, golf, tennis and yacht clubs. 5. Service Stations. 6. Public Structures 7. Supplemental parking. 8. Public or private academic schools. 9. Drive-in business service facilities. 10. Churches, Synagogues or other Houses of Worship. 11. Any Commercial Establishments with greater than 2,000 sq. ft. of GLA, provided the Town Council has found, as a fact, that the proposed use is Town serving.

NOTE: Establishments of greater than two thousand (2000) square feet gross leasable area (GLA) existing or temporarily vacant, as of the date of this Chapter shall be allowed to continue at the existing scale provided all future uses shall be those listed under Permitted Uses. (Refer Section 8.10 "Non-Conforming Uses").

*Site Plan review may be required
(See Section 9.60)

SCHEDULE OF USE REGULATIONS (cont'd)

PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES *	ACCESSORY USES *	SPECIAL EXCEPTION USES *
C-4A NORTH AVENUE DISTRICT	It is the intent of this district to preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of Townpersons. Further, it shall be the intent of this district to enhance the Town-serving character of the area through use of limitations on maximum gross leasable area (GLA) thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale.	<p>Maximum 2,000 square feet of GLA</p> <ol style="list-style-type: none"> 1. Antiques 2. Apparel and Accessories 3. Art galleries 4. Art services 5. Bed and bath boutique 6. Cards/gifts 7. Crafts 8. Drugstore/pharmacy 9. Fabrics 10. Flowers/florist 11. Furniture 12. Hair styling/beauty salon 13. Interior decorating sales/services 14. Jewelry 15. Kitchenwares 16. Luggage/leather goods 17. News/books 18. Optical goods 19. Perfumery 20. Photographic services/studio 21. Shoes 22. Retail specialty foods (including incidentalsale of prepared foods for take out) 23. Stationery 24. Tobacconist 25. Toys 26. T.V. and electronic items 27. Offices located above the first floor. 28. Combinations of the above. 	<ol style="list-style-type: none"> A. Off-street parking and loading. B. Signs. C. One -family dwellings located above the first floor. D. Accessory uses customarily incident to the permitted or approved Special Exception uses. <p>NOTE: Establishments of greater than 2,000 square feet (GLA) existing, or temporarily vacant, as of the date of this Chapter shall be allowed to continue at the existing scale provided all future uses shall be those listed under Permitted Use. (Refer to Section 8.10 - "Non-Conforming Uses")</p>	<ol style="list-style-type: none"> A. Pay parking. B. Public or private parking or storage garages. C. Private social, swimming, tennis or yacht clubs. D. Public structures/uses. E. Supplemental parking. F. Restaurants, night clubs, lounges/bars. G. Museums and non-profit cultural centers. H. Multi-family residential I. Retail and service activities, cited previously under Permitted Uses, which contain greater than 2,000 square feet of GLA. J. Uses not specifically enumerated previously under Permitted Uses but having traffic, patronage and intensity of use characteristics similar to those uses cited therein. K. Offices and professional and business services (including banks and financial institutions) not specifically cited previously under Permitted Uses, provided such uses shall be located only above the first floor.

* Site plan review may be required
(See section 9.60)

SCHEDULE OF USE REGULATIONS (cont'd)

PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES *	ACCESSORY USES *	SPECIAL EXCEPTION USES *
C-CPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT	It is the intent of this district to provide locations for administrative, professional, business and institutional offices which are adequate for the Town's needs and convenient for use by Town citizens.	<ol style="list-style-type: none"> 1. Office and Professional Services and Business Services. 2. Dining-rooms and drinking places when not more than 15% of the gross floor area of the structure, no exterior or external advertising to be permitted. 3. Essential services. 	<ol style="list-style-type: none"> 1. Off-street parking and loading 2. Signs 3. Accessory uses customarily incident to the permitted or approved Special Exception Uses. 	<ol style="list-style-type: none"> 1. Public or private parking lots or storage garages. 2. Auto rental lot. 3. Public structures/uses. 4. Supplemental parking. 5. Public or private academic schools. 6. Hotels. 7. Restaurants. 8. Lounges/bars when associated with full service restaurants. 9. Banks and financial institutions. 10. Institutions. 11. Multi-family residential.

* Site plan review may be required
(See section 9.60)

SCHEDULE OF USE REGULATIONS (cont'd)
PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES *	ACCESSORY USES *	SPECIAL EXCEPTION USES *
T-PC PLANNED CENTER	<p>It is the intent of this district to preserve and enhance an area of unique character oriented towards a combination of office, professional and retail uses to be developed either as a unit or in individual parcels.</p> <p>Further, it is the intent of this district to enhance the Town Serving character of the area through limitation on maximum Gross Leasable Area (GLA).</p>	<p>A. No Limitations on Gross Leasable Area (GLA)</p> <ol style="list-style-type: none"> Appliance services Bookstore/newstand Business and professional offices/services Churches, Synagogues and other houses of worship Dance instruction/studio Dining-rooms and drinking places when not more than 15% of the gross floor area of the structure, no exterior or external advertising to be permitted Drugstore/pharmacy Florist Retail specialty foods (including incidental sale of prepared foods for take-out) Formal wear rental Furniture Hardware/home improvements Hobby shop Laundry/dry cleaning Locksmith Medical services Non-profit cultural centers Optician/optometrist Picture framing Photocopying Photographic studio Print shop Secretarial services Shoe repair Tobacconist Tailor/dressmaker Temporary help Travel agent Yard goods <p>B. Maximum 2,000 square feet of GLA</p> <p>All other retail shops and personal services not specifically cited previously under Permitted Uses (A)</p>	<p>A. Off-street parking and loading</p> <p>B. Signs</p> <p>C. One -family dwellings located above the first floor</p> <p>D. Drive-in business service facilities</p> <p>E. Accessory uses customarily incident to the permitted or approved Special Exception uses</p>	<p>(A) Public or private parking or storage garages.</p> <p>(B) Private, social, swimming, tennis and yacht clubs.</p> <p>(C) Public structures/uses.</p> <p>(D) Supplemental parking.</p> <p>(E) Restaurants, hotels, theaters, night clubs, lounges/bars.</p> <p>(F) Museums.</p> <p>(G) Veterinarian/animal clinic.</p> <p>(H) Auto rental.</p> <p>(I) Banks and financial institutions.</p> <p>(J) All retail and personal service activities exceeding 2,000 square feet of GLA not specifically cited previously under Permitted Uses. A.</p>

NOTE: Establishments of greater than two thousand (2000) square feet gross leasable area (GLA) existing or temporarily vacant, as of the date of this Chapter shall be allowed to continue at the existing scale provided all future uses shall be those listed under Permitted Uses. (Refer Section 8.10 "Non-Conforming Uses").

* Site plan review may be required
(See section 9.60)

**SCHEDULE OF LOT, YARD AND BULK REGULATIONS
PALM BEACH, FLORIDA**

** Except that any property to be developed which consists of two (2) or more lots shall have a minimum lot area of 40,000 square feet for each lot and that the average lot area of all lots to be developed shall not be less than 60,000 square feet.

Figures in tables enclosed in () indicate reference to foot notes

DISTRICT	LOT				YARD			BULK		
	MINIMUM			MAXIMUM	MINIMUM			MAXIMUM		Landscaped Open Space Minimum %
	Area (sq. ft.)	Width (feet)	Depth (feet)	Density (D.U.'s/ acre)	Front (feet)	Side Yard Both/One (feet)	Rear (feet)	Height (Stories/ feet).	Coverage (Percent)	
** R-AA	60,000 **	150	150	0.667	30	60/30	15	2/25	25	35
R-A	20,000	100	150	2	30	30/15	15	2/25	35	25
R-B	10,000	75	100	4	25	20/10	10	2/25	35	25
R-C										
Single-Family	10,000	75	100	4	25	20/10	15	2/25	35	25
Two-Family	10,000	75	100	8	25	20/10	15	2/25	35	25
Townhouses	(1)	(1)	(1)	8 (11)	25	(1)	15	2/25	40	25
Multi-Family *	15,000	100	100	11 (2)(11)	25	35/15	30	3/40 (2)	30	25
R-D (1)										
Single-Family	10,000	75	100	4	25	20/10	15	2/25	35	25
Two-Family	10,000	75	100	8	25	20/10	15	2/25	35	25
Townhouses	(1)	(1)	(1)	12 (11)	25	20/10	15	2/25	40	25
Multi-Family*	40,000	150	200	15 (11)	25	55/25	30	5/55 (2) (9)	35 (2)	25
R-D (2)										
Single-Family	10,000	75	100	4	25	20/10	15	2/25	35	25
Two-Family	10,000	75	100	8	25	20/10	15	2/25	35	25
Townhouses	(1)	(1)	(1)	12 (11)	25	(1)	15	2/25	40	25
Multi-Family *	40,000	150	200	18 (2)(11)	25 (2)	55/25 (2)	30	5/55 (2) (9)	35 (2)	25
Hotels	40,000	150	200	28 (6)(11)	25 (2)	55/25 (2)	30	5/62 (2)	35 (2)	25

**SCHEDULE OF LOT, YARD AND BULK REGULATIONS
PALM BEACH, FLORIDA**

Figures in tables enclosed in ()
indicate reference to foot notes.

DISTRICT	LOT				YARD			BULK		
	MINIMUM			MAXIMUM Density (D.U.'s/ acre).	MINIMUM			MAXIMUM		Landscaped Open Space Minimum
	Area (sq.ft.)	Width (feet)	Depth (feet)		Front (feet)	Side Yard Both/One (feet)	Rear (feet)	Height (Stories/ feet)	Coverage (Percent)	
C-TS, C-WA, C-OPI, C-PC	4,000	30	90	(7) (11)	(3)	(4)	10	2/25 (2) 3/35 (2)	90 (2) 60 (2)	(12)
C-B	15,000	100	150	(6)&(8) (11)	10 25 (6)	20/10	15	2/25	65 50 (6)	(12)
PUD (includes all Planned Unit Developments) Single-Family (5)SEE ARTICLE 7 for appropriate standards for all PUD Districts.....									
	20,000	100	150	2	30	30/15	15	2/25	35	
BEACH AREA (See Section 5.47)		100			10	20/10		1/16	20'x25'	

- (1) See Section 6.51 for special requirements regarding townhouses.
- (2) See Sections 5.22 and 5.41 for special lot, yard, density and bulk requirements regarding development adjoined by existing buildings of greater height.
- (3) All buildings shall be set back so as to provide at least a ten (10) foot concrete walkway between the curb line and the building exclusive of beautification strips.
- (4) None, but five feet (5') if provided. When the sideyard of a C-TS, C-WA, C-OPI or C-PC property adjoins property zoned in any "R" District, a ten foot (10') side yard is required on that side.
- (5) Lot, yard and bulk regulations noted for PUD District apply to single family permitted uses which are not a part of PUD application.
- (6) When applied to hotels permitted as a Special Exception Use in a C-B District or R-D (2) District.
- (7) The maximum density for hotels within the C-TS, C-WA, C-OPI or C-PC Commercial Districts shall be 30.
- (8) The maximum density for hotels within C-B Commercial District shall be 22.
- (9) Five story - 55 feet, plus one additional foot for each foot of ceiling height of each story over 8'6", up to a maximum of 62'.
- (10) *For each multi-family building maximum dimensions, see Section 6.53 (6).
- (11) See Section 9.60 for site plan review requirements.
- (12) Landscaped Open Space Requirements.

C-TS, C-WA, C-OPI, C-PC Districts			C-B District		Site Size	
Landscaped Open Space			Landscaped Open Space		Less than 1/2 acre	
7 1/2 %		1/4 acre and less	15 %		1/2 acre and greater	
15 %	Greater than 1/4 acre but less than 1/2 acre		20 %			
20 %	1/2 acre or greater					

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

PALM BEACH, FLORIDA

USE	SPACES REQUIRED PER UNIT
1. Single and two-family dwellings and Town Houses	Two per dwelling unit.
2. Multi-family dwellings	Two per dwelling unit plus one per each five (5) units or portion thereof.
3. Churches or other places of worship.	One per seven (7) permanent seats in the main auditorium.
4. Social, swimming, golf, tennis and yacht clubs.	One per four (4) members.
5. Retail commercial and personal service establishments.	One per two hundred (200) square feet of gross leasable area (GLA).
6. Hotels, Motels and Motor Inns	One and one-tenth per dwelling unit. A dwelling unit for the purpose of this requirement is composed of two (2) or less rooms.
7. Libraries, Museums	One per five hundred (500) square feet
8. Medical or dental offices or clinics.	Five for each doctor or dentist.
9. Restaurants, nightclubs or other eating places.	One for each three(3) proposed fixed seats, and/or one for each forty-five (45) square feet of floor area in the proposed public seating area not having fixed seats, plus one for each three hundred (300) square feet of floor area in the remainder of the floor area.
10. Boardinghouse.	One and one-half per dwelling unit.
11. Theatres, Auditoriums	One per each five (5) seats.
12. Schools (Public or Private) Grades 1-6 Grades 7-9 Grades 10-12	One per fourteen (14) students. One per nine (9) students. One per three (3) students.
13. Accessory commercial uses in hotels.	One per five hundred (500) square feet except for a restaurant, night club, bar, or other entry place which shall require the same as (9) above.
14. Office, professional and business service establishments, institutions and banks and financial institutions.	One per two hundred-fifty (250) square feet of gross leasable area (GLA).

Sec. 5: -- Sec. 5.50 of the aforesaid ordinance entitled "Accessory Structures" shall be amended at Sec. 5.51, so that the first sentence of paragraph 4 shall read as follows:

"An accessory structure not exceeding twelve (12) feet in height may occupy not more than twenty (20) per cent of a required rear yard except that an awning, as defined, may occupy an additional twenty (20) per cent of a required rear yard. However, in no case shall all accessory structures including an awning occupy more than forty (40) per cent of a required yard";

and a paragraph be added to read:

"(6) All enclosed accessory buildings shall comply with yard requirements for the principal structure".

Sec. 6: --Art. 6 of the aforesaid ordinance entitled "Supplementary Use Regulations" shall be amended so as to add to Sec. 6.21(c)(3) the following sentence:

- (a) "For existing buildings or establishments therein which are nonconforming with respect to the current parking requirements, and which involve only those uses requiring one (1) space per three hundred (300) square feet of floor area, and which may be required under these regulations to provide additional parking spaces as a result of a change in use, such establishments shall be required only to provide that number of spaces over and above the number of spaces that would have been required at one (1) space per three hundred (300) square feet of floor area".
- (b) Said section is further hereby amended as to schedule of "Off-Street Parking Requirements", as shown on the attached sheet.
- (c) Sec. 6.26 entitled "Public or Private Parking Lots" is amended by adding an Item (e) to read as follows:
 - "(e). Amortization. All parking lots in existence for four (4) years or more prior to March 31, 1980, shall comply with all provisions herein relating thereto no later than April 1, 1983. Parking lots in existence for less than four (4) years prior to March 31, 1980, shall comply with all provisions herein relating thereto no later than April 1, 1984".

- (d) Sec. 6.33 entitled "Signs in Commercial Districts" is hereby amended so that the first paragraph thereof and subparagraphs (a) and (b) thereof shall read as follows:

"One building identification sign which is installed flat against the main wall of a building may be provided for each building street frontage provided such sign does not exceed twenty (20) square feet in area. Additionally, business signs which are installed flat against the main wall of a building are permitted for each licensed business frontage, in a building, which has direct ground level walk-in access from a public or private roadway or sidewalk, in accordance with the following regulations:

- (a) Size of Sign. The gross surface area of all signs for an individual business shall not exceed the following schedule*:

<u>BUILDING FRONTAGE</u>	<u>MAXIMUM GROSS SUR- FACE AREA</u>
Less than 18 feet	10 square feet
18 feet and over	20 square feet

*This permitted gross surface sign area per business establishment may be in the form of one sign, or composed of a group of smaller signs provided their aggregate area does not exceed that area contained in the schedule. The gross surface area of any sign on a building shall not, however, exceed twenty (20) square feet.

- (b) Location. Upper story tenants shall be allowed to display signs to the extent that the upper story display area of each individual business shall not exceed its proportionate share of the total allowable maximum gross surface area for the building as calculated under (a) above and that the total gross surface area of all signs displayed on the building not exceed the maximum for that building as calculated under (a) above".
- (e) Sec. 6.40 entitled "Special Exception Uses" is hereby amended to read as follows:

"Sec. 6.40 - Special Exception Uses.

Special exception uses and their related accessory uses or any expansion, enlargement, or modification of an existing special exception use, or any physical expansion of an existing special use or facility, shall be permitted only upon authorization by the Town Council, provided that such uses shall be found by the Town Council to comply with the following requirements and other applicable requirements as set forth in this Chapter. All special exception uses require site plan review in accordance with Sec. 9.60 of this Chapter. (For additional standards applicable to Planned Unit Development, see Art. 7 of this Chapter.)

(a) That the use is a permitted Special Exception Use as set forth in the Schedule of Use Regulations, in Art. 4 thereof;

(b) That the use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected;

(c) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located;

(d) That the use will be compatible with adjoining development and the intended purpose of the District in which it is to be located;

(e) That the use will comply with yard, other open space, and any special requirements set out in the Schedule of District Regulations for the particular use involved;

(f) That the use will comply with all elements of the Comprehensive Plan;

(g) That the use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the District;

(h) That adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

The following factors may be used as a guide in determining the parking need generated by any commercial uses (retail, personal services, offices, professional and business services, banks and financial institutions) being considered for special exception approval:

Offices, professional and business services, banks and financial institutions.

0.65 spaces per each full-time employee plus

0.33 spaces per each part-time employee plus

0.16 spaces per salesman, plus

25% of the sum of the foregoing to cover customer parking need.

Retail and personal services uses.

0.65 spaces per each full-time employee plus

0.33 spaces per each part-time employee plus

Two times the sum of the foregoing to cover customer parking need.

The above calculations may be used to determine if the proposed use would generate parking need in excess of that required by the parking schedule of this Chapter.

(i) That signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact be compatible and in harmony with properties in the District;

(j) That location, availability and compatibility of utility service for the use be satisfactory to insure health and safety;

(k) That refuse and service areas for the use not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe;

(l) That the proposed use will not attract the principal portion of its customers/clients from off-island locations;

(m) That adequate landscaping and screening is provided as required herein;

(n) In the event an authorized or existing Special Exception Use is discontinued for any period of time with the intention on the part of the owner to abandon such Special Exception Use, or the discontinuance of such use for a period of two (2) years without the intention of the owner to abandon, shall be an abandonment thereof, and such Special Exception Use shall thereby be immediately terminated and may not thereafter be revived except upon new application and approval by the Town Council.

- (f) Sec. 6.55 - Commercial Uses - C-A and C-B Districts so that the title thereof shall be Commercial Uses C-TS, C-WA, C-OPI, C-PC and C-B Districts, and by amending subparagraph (a) thereof so that the first sentence thereof shall read as follows:

"6.55 - Commercial Uses - C-TS, C-WA, C-OPI, C-PC and C-B Districts.

(a) All applications for new buildings or for new building additions or for changes in Permitted Use in the 'Schedule of Use Regulations' of this Chapter which involve more than 2,000 square feet of building floor area of buildings in the C-TS, C-WA, C-OPI, C-PC or C-B Districts shall require a site plan approval in accordance with Sec. 9.60 of this Chapter".

Sec. 7: -- Art. 8 of the aforesaid ordinance entitled "Nonconformities" shall be amended by adding an additional paragraph to the end of Sec. 8.10 thereof, as follows:

"In the event that an existing approved Special Exception Use which also has zoning nonconformity of use or structure existing in connection with the Special Exception Use should be removed by the Town Council from the list of Special Exception Uses in the

'Schedule of Use Regulations' contained in this Chapter, then said nonconforming use and/or structure shall become a nonconforming use as contained in this Chapter";

and further amending said Art. 8, Sec. 8.30, "Termination of Nonconforming Uses and Structures", as follows:

"Sec. 8.30 - Termination of Nonconforming Uses and Structures.

8.31 - Abandonment.

The discontinuance of a nonconforming use with the intention of the owner thereof to terminate said use for any period of time is an abandonment. Likewise, the discontinuance of a nonconforming use for a period of two years without the intention of the owner thereof to discontinue said use, and/or the change of a use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived.

8.32 - Partial Destruction.

When 50% or more of the existing floor area of a nonconforming structure or structure occupied by a nonconforming use is destroyed by fire or other casualty or Act of God or acts of the owner thereof, the use of such structure as a nonconforming use shall immediately be terminated".

Sec. 8: -- Art. 9 of the aforesaid ordinance entitled "Administration and Enforcement" shall be amended as follows:

(a) Sec. 9.61(m) entitled "Site Plan Review, Application" shall be amended to add an additional sentence to read as follows:

"In the case of commercial uses, colored photographs of each building within 100 feet to either side of the property line on any street and a diagrammatic elevation drawing indicating the height and width of existing or planned structures within the same distance".

(b) Sec. 9.63(j) entitled "Site Plan Review, Review by Town Council" shall be amended by adding the following paragraph:

"(j) 'Height of Commercial Structures' with reference to adjoining buildings, the effect on uniformity in height, and the general principal of retaining the low profile scale of commercial architecture".

Sec. 9: -- The property situate, lying and being in the Town of Palm Beach, Palm Beach, County, Florida, described as:

A portion of Phipps Plaza from 206 through 238 Phipps Plaza, legally described as Lots B, C, D, E, F, G, H and J of Phipps Plaza Subdivision, and 1, 1-A, 3-A, 4, 4-A, 5, 5-A of the Plat of the Plaza Subdivision (see attached map)

is hereby removed from the C-A Commercial District, and included in the R-C Residential District, and the Town's Zoning Map shall be amended accordingly by the proper Town officials to reflect this change in zoning classification.

Sec. 10: -- The properties located within the delineated areas identified on the attached maps are hereby removed from the C-A Commercial District and included in the newly created C-TS, C-WA, C-OPI and C-PC Commercial Districts (as appropriate), such districts having replaced the C-A District; and the Town's Zoning Map shall be amended accordingly by the proper Town officials to reflect these changes in zoning classification.

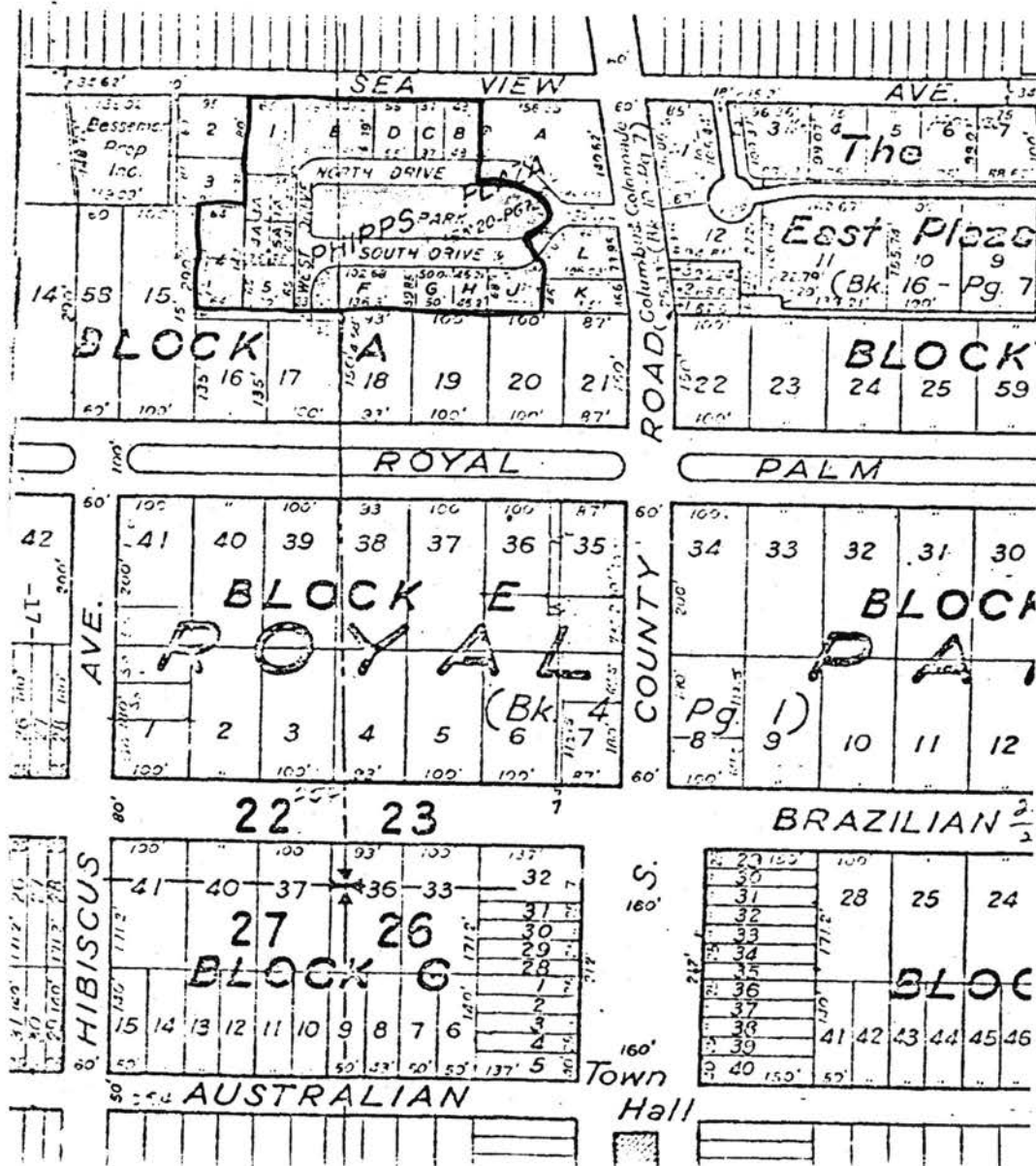
Sec. 11: -- If any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance are hereby declared severable.

Sec. 12: -- Any person found guilty of a violation of this ordinance shall be punished in accordance with the provisions as in Sec. 13.20 of Ordinance No. 2-74.

Sec. 13: -- All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Sec. 14: -- This ordinance shall take effect immediately upon its passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session assembled on first reading this 20th day of March,

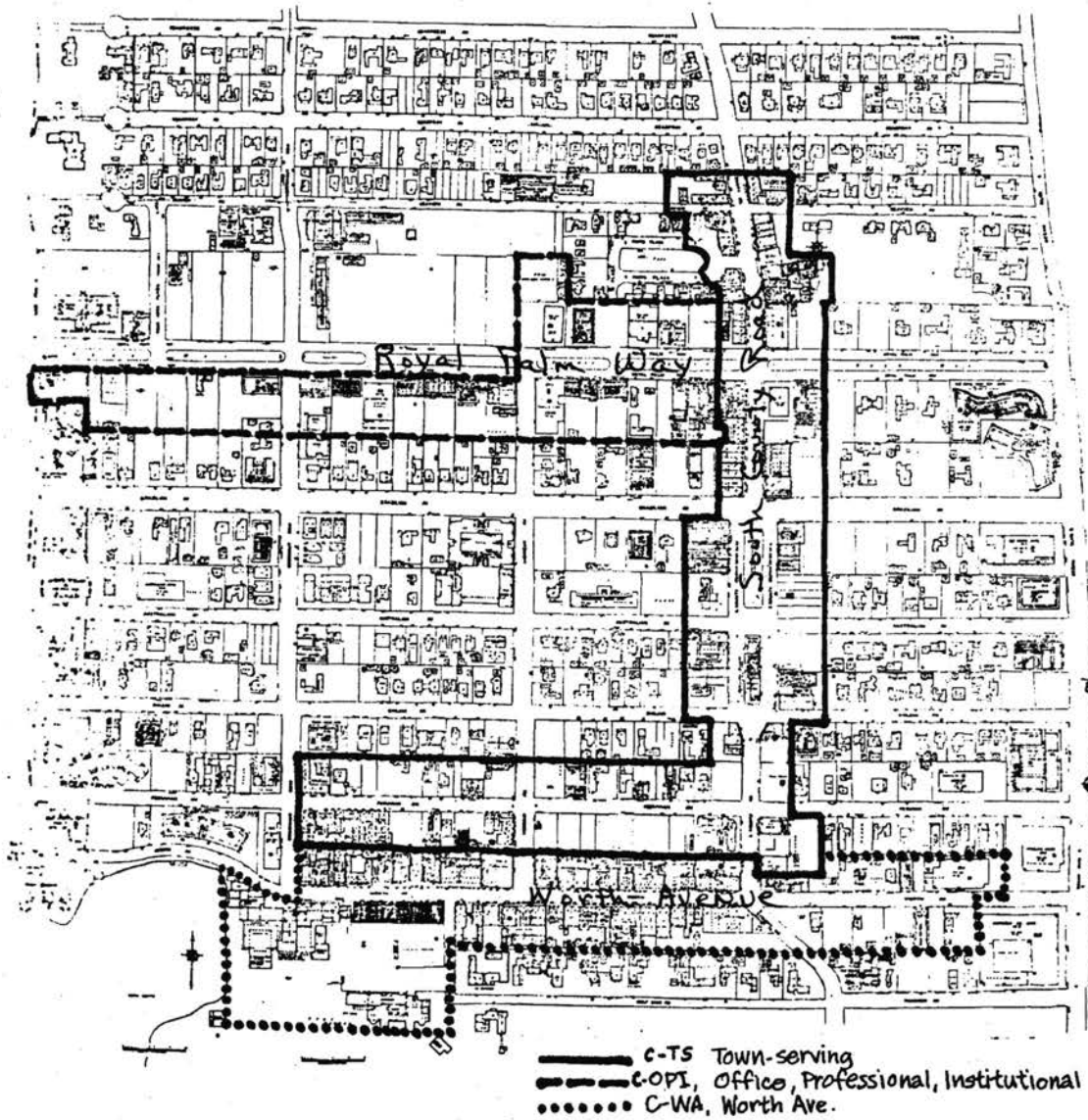


PROPOSED REZONING

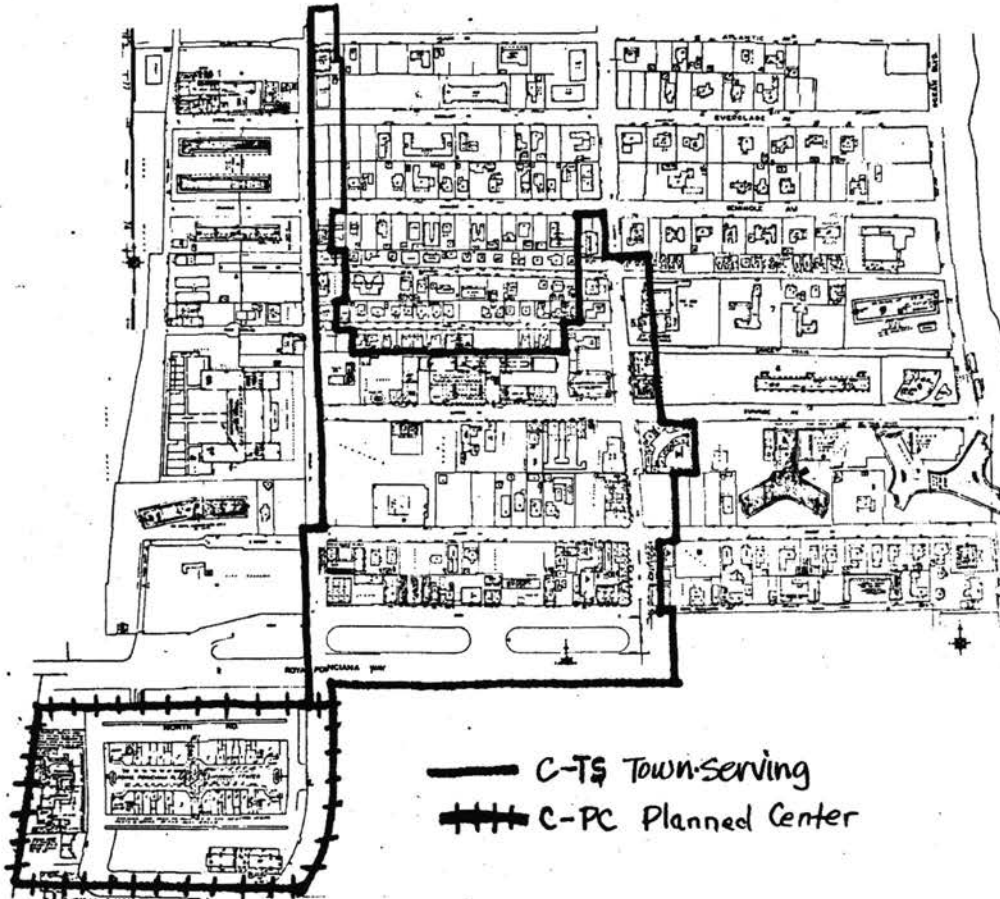
Portion of Phipps Plaza from C-A Commercial
to R-C Medium Density Residential.

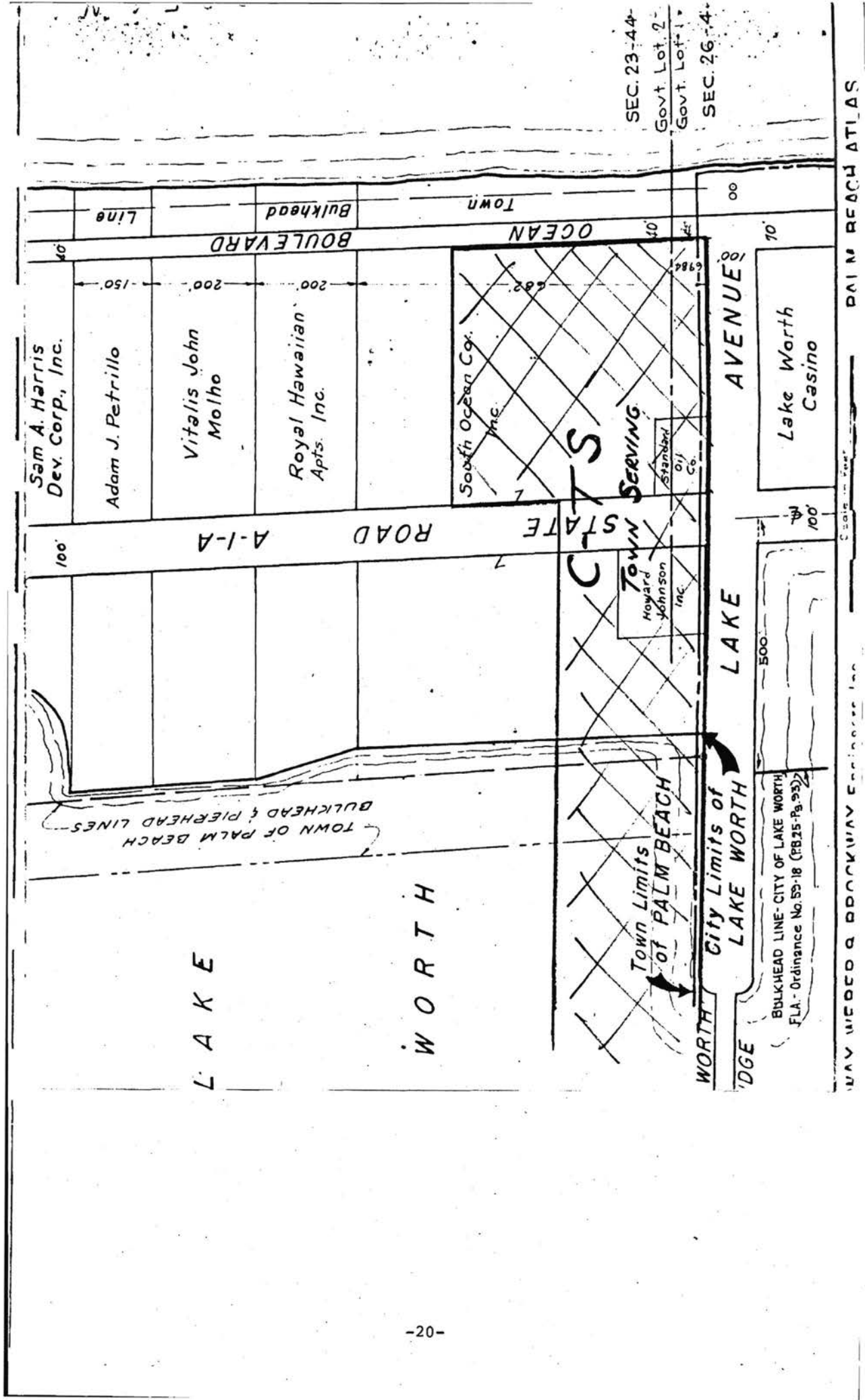
Property legally described as lots B,C,D,E,F,G,H and J
of Phipps Plaza and lots 1,1A,3A,4,4A,5 and 5A of the
Plat of the Plaza.

COMMERCIAL ZONING



COMMERCIAL ZONING

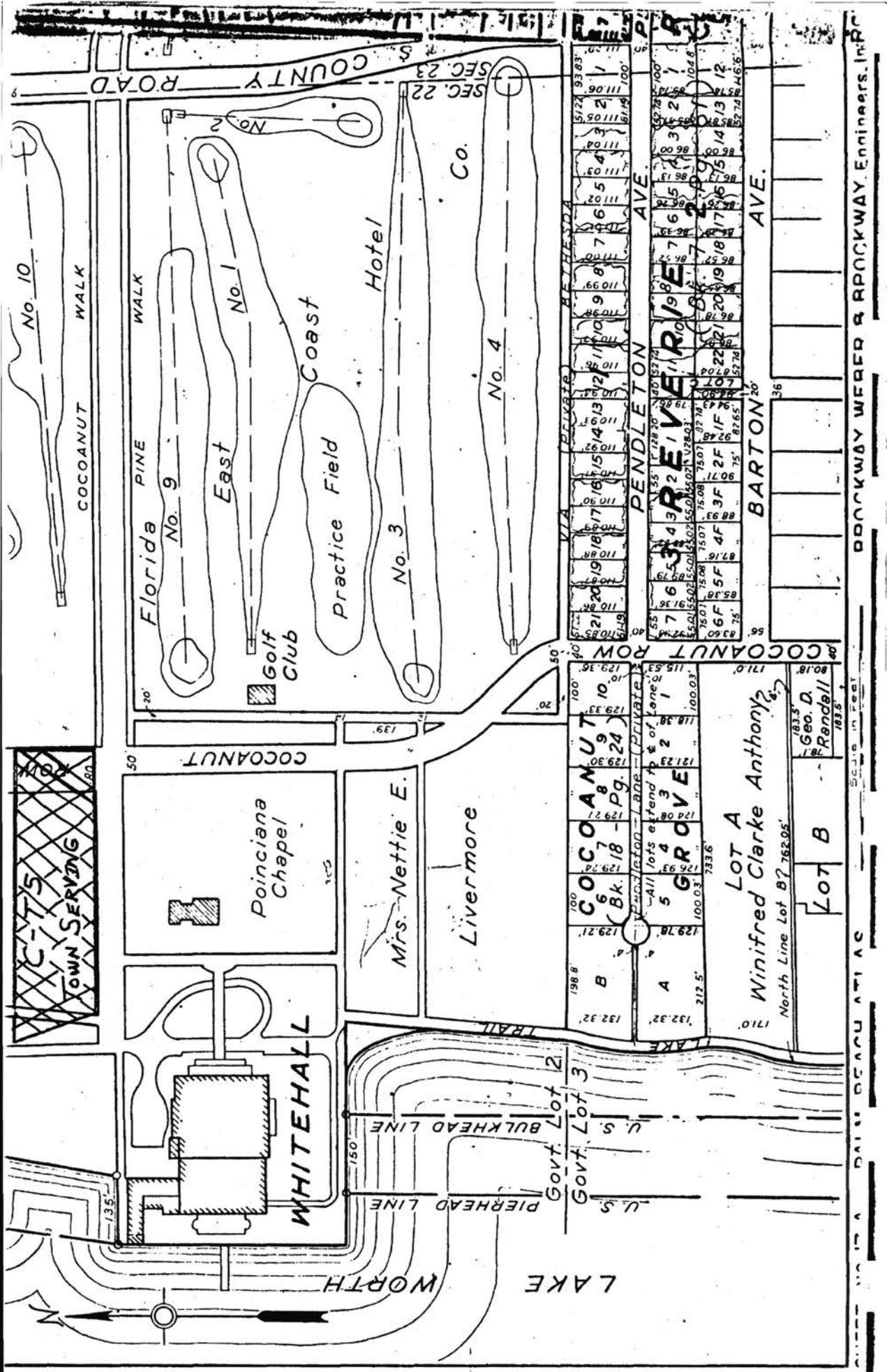




SEC. 23-44-
Govt. Lot 2
Govt. Lot 1
SEC. 26-4

PALM BEACH ATLAS

WAV WEDCO & BOCKWAV ENGINEERS INC.



DOCKWAY WERED & ROCKWAY ENGINEERS, INC.

1980, and on second and final reading this 31st day of
March, 1980.

Robert M. Grace

Charles H. Wainwright

Catharine A. Johnson

Mr. M. M. Mearns

Town Council

APPROVED:

Wack Fitcher
Mayor

ATTEST:



Grace J. Peters
Town Clerk

ORDINANCE 1-91

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2-74, AS AMENDED, THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF PALM BEACH; PROVIDING AMENDMENTS TO ARTICLE 2, SECTION 2.10 ENTITLED "DEFINITIONS", BY REVISING DEFINITION, (6) "BASEMENT"; ADDING NEW DEFINITION (22.1) "FLOOR AREA RATIO (FAR)"; TO PROVIDE AMENDMENTS TO ARTICLE 4 ENTITLED, "DISTRICT REGULATIONS"; BY AMENDING SECTION 4.10 SCHEDULE A, SCHEDULE OF LOT YARD AND BULK REGULATIONS, TO INCLUDE A COMPREHENSIVE SET OF DESIGN GUIDELINES WITH CORRESPONDING CHANGES AND/OR ADDITIONS TO SETBACK, HEIGHT, COVERAGE, LANDSCAPE, DENSITY AND USE REGULATIONS IN THE C-WA DISTRICT; AMEND ANGLE OF VISION REGULATIONS TO INCLUDE ACCESSORY BUILDINGS; REDUCE DENSITY FROM 8 UNITS PER ACRE TO 6 UNITS PER ACRE FOR TWO FAMILY DWELLINGS IN R-C DISTRICT AND CHANGE THE MINIMUM LOT AREA FOR SUCH USE FROM 10,000 SQUARE FEET TO 13,333 SQUARE FEET, WITH AN EXCEPTION FOR NOW VACANT 10,000 SQUARE FOOT LOTS FOR ONE YEAR; REDUCE BUILDING HEIGHT BY ELIMINATION OF BASEMENT CREDIT AS RELATED TO NUMBER OF STORIES IN R-B DISTRICT; INSTITUTE A FLOOR AREA RATIO (FAR) REGULATION OF 0.45 IN THE R-B DISTRICT; PROVIDE FOR A MINIMUM FRONT YARD SETBACK IN THE R-B DISTRICT WHICH SHALL BE THE AVERAGE FRONT SETBACKS OF THE TWO NEAREST DEVELOPED PROPERTIES ON THE SAME SIDE OF STREET IN THE SAME BLOCK; REDUCE ALLOWABLE OVERALL BUILDING HEIGHT IN R-B DISTRICT; INCREASE LANDSCAPE OPEN SPACE PERCENTAGES FROM 40% TO 50% IN R-AA DISTRICT AND FROM 40% TO 45% IN THE R-A DISTRICT; TO PROVIDE AMENDMENTS TO SECTION 4.10, SCHEDULE B, "SCHEDULE OF USE REGULATIONS", BY ADDING PROVISION ALLOWING THREE STORIES AS SPECIAL EXCEPTIONS IN C-WA DISTRICT; TO PROVIDE THAT IN THE EVENT ANY PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION AFTER MARCH 31, 1980 IS REQUIRED TO OBTAIN A NEW OCCUPATIONAL LICENSE, SUCH NEW BUSINESS SHALL ALSO BE SUBJECT TO APPROVAL BY TOWN COUNCIL; TO PROVIDE AMENDMENTS TO ARTICLE 5 ENTITLED, "SUPPLEMENTARY LOT REGULATIONS", BY AMENDING SECTION 5.10, "LOT REGULATIONS", BY LIMITING ALTERATION OF NATURAL GRADE IN RESIDENTIAL DISTRICTS; AMEND SECTION 5.14, "STREET LOT LINES", BY ELIMINATING PARAGRAPHS (a), (b) and (d); AMEND SECTION 5.30, "YARD REGULATIONS", TO ALLOW ARCADES OR COLONNADES AS SPECIAL EXCEPTIONS; AMEND SECTION 5.47, "BEACH AREA", BY REDUCING ALLOWABLE BUILDING SIZE AND HEIGHT FOR PROPERTIES WITHIN THE BEACH AREA DISTRICT ADJACENT TO PROPERTIES IN THE R-B DISTRICT; TO PROVIDE AMENDMENTS TO ARTICLE 6 ENTITLED, "SUPPLEMENTARY USE REGULATIONS", BY AMENDING SECTION 6.32, "SIGNS IN RESIDENTIAL DISTRICTS" TO ALLOW NAME OF PERSONS AFFECTING THE SALE OR RENTAL OF PROPERTY TO BE INCLUDED ON PERMITTED SIGNAGE; AMEND SECTION 6.33, "SIGNS IN COMMERCIAL DISTRICTS", TO ALLOW BUSINESS IDENTIFICATION SIGNS FOR UPPER STORY TENANTS; AMEND SECTION 6.40, "SPECIAL EXCEPTION USES", TO PROVIDE THAT ANY NEW SPECIAL EXCEPTION USE BEING CONSIDERED WILL NOT PLACE AN INCREASED BURDEN ON MUNICIPAL POLICE AND FIRE PROTECTION SERVICES; TO PROVIDE AMENDMENTS TO ARTICLE 8 ENTITLED, "NONCONFORMITIES", BY AMENDING SECTION 8.11, "EXTENSION OR EXPANSION OF NONCONFORMING USES", BY INCLUDING PROVISIONS ALLOWING FOR THE GRANTING OF VARIANCES FOR NONCONFORMING USES; AMEND SECTION 10.13,

"VARIANCES", BY INCLUDING SPECIFIC CRITERIA THAT MUST BE CONSIDERED IN GRANTING VARIANCES TO NONCONFORMING USES; TO PROVIDE AMENDMENTS TO ARTICLE 13 ENTITLED, "VIOLATIONS AND PENALTIES", BY AMENDING SECTION 13.20, "VIOLATIONS AND PENALTIES", BY INCLUDING ADDITIONAL CLARIFYING LANGUAGE RELATING TO ABATEMENT OF ZONING ORDINANCE VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR A VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearings pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals, and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Zoning Ordinance No. 2-74, as amended, be further amended as hereinafter set forth.

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

Section 1. Article 2 of the aforesaid Ordinance titled "DEFINITIONS" is hereby amended as follows:

(a) Amend the following definition contained in Section 2.10 to read as follows:

(6) BASEMENT. A story situated under a building, said story having exterior perimeter wall and having a floor level two (2) or more feet below the level of the contiguous exterior ground outside of the building and having one-half or more of its floor to ceiling height below the average level of all of the exterior ground of the lot comprising the subject building development site. In all Zoning Districts except the R-B Zoning District, a basement story shall not be considered a story with regards to height regulations contained in this ordinance if said story does not exceed plus eight (8) feet above zero datum for the subject lot, and if clearly designed and adapted to and used solely for the purposes of automobile parking and/or machinery and essential building utility services not involving habitable space. The exterior walls of said basement story shall be set back from all property lines as required for said building situated over the basement story, and minimum door openings in said basement walls shall be limited to those essential to permit one (1) automobile access driveway and one (1) automobile exit driveway for each separated under building parking area, plus pedestrian lobby entries and required fire escape exitways.

(b) Add a the following new definition to Section 2.10

(22.1) Floor Area Ratio (FAR). A measure of land use intensity, expressing the mathematical relationship between the floor area of a building and the unit of land. It is arrived at by dividing the gross floor area of all buildings (exterior dimensions) on a lot by the gross area of that lot.

Section 1. Article 4 of the aforesaid Ordinance titled "DISTRICT REGULATIONS" is hereby amended as follows:

(a) Amend Section 4.20, A. "Schedule of Lot, Yard and Bulk Regulations," to:

1. Add a provision allowing a Special Exception for a maximum height of three stories/35 fee in the C-WA District with a requirement for a minimum of 25% landscaped open space and with a reference to footnote (20).
2. Add a provision for a rear yard setback of 10 feet for second and third stories in the C-WA District, together with a reference to footnote (25).
3. Reduce the maximum density for two-family uses in the R-C District from 8 to 6 dwelling units per acre and increase the minimum lot area for two-family uses in the R-C District from 10,000 square feet to 13,333 square feet,
4. Add a provision for a maximum Floor Area Ratio (FAR) of 0.45 (including basements) in the R-B District.
5. Increase the minimum landscaped open space requirement in the R-A District from 40% to 45% and increase the minimum landscaped open space requirement in the R-AA District from 40% to 50%
6. Amend footnote (3) to read as follows:

(3) With the exception of arcades and colonnades in the C-WA District all buildings shall be set back so as to provide at least a ten-foot wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five (5) feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of said required pedestrian walkway.

Within the C-WA District, arcades or colonnades may be constructed subject to approval as a special exception over the sidewalks in the required front yard setback, provided they meet the requirements of Section 5.33 (e).

7. Amend footnote (7) to read as follows:

(7) The maximum density for hotels within the C-OPI commercial district shall be thirty (30).

8. Add a new footnote (13a) applicable to front yard setbacks in the R-B District, to read as follows:

(13a) The front yard setback required shall be not less than the average of the front yard setbacks of the two (2) nearest developed properties on the same side of the street in the same block.

9. Add a new footnote (18a) applicable to maximum height allowable in the R-B District, to read as follows:

(18a) Maximum overall height of a building in the R-B District shall be twenty-seven (27) feet for flat-roofed structures and thirty (30) feet for all other roof styled structures.

10. Amend footnote (20) to read as follows:

(20) One (1) story, with provision for a special exception for two (2) and three (3) stories. See special exception provisions in Sections 5.48 relating to allowable height and lot coverage, and Sections 6.40 (special exception use) and 9.60 (site plan review).

11. Amend footnote (23) by adding a new sub-item (e), to read as follows:

(e) For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than twenty-five (25) feet.

When an accessory structure is separated by a distance of twenty-five (25) feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.

12. Add a new footnote (25) applicable to the allowance of a third story in the C-WA District, to read as follows:

(25) The provision allowing a Special Exception for construction of a third story in the C-WA District shall expire upon the third anniversary of its adoption, unless the Town Council specifically authorizes its continuation.

13. Add a new footnote (26) applicable to maximum density and minimum lot area for two-family uses in the R-C District, to read as follows:

(26) Construction of two-family uses, on lots vacant at the time of adoption of Ordinance 1-91, shall be permitted up to a maximum density of 8 (eight) dwelling units per acre on lots of at least ten thousand (10,000) in area, until the anniversary of the adoption of Ordinance 1-91. Thereafter, the maximum density of six (6) dwelling units per acre and a minimum lot size of 13,333 square feet shall be applicable to all such vacant lots.

- (b) Amend Section 4.20, B. "Schedule of Use Regulations," to:

1. Amend item "L" under the list of Special Exception Uses in the C-WA District to read as follows:

L(1) One dwelling unit located on the second floor per fifty (50) feet of frontage;

L(2) Dwelling units located on the third floor provided; the second floor is also devoted to residential use as set forth in L(1); and, provided that the combined density of residential uses on the second and third floors does not exceed two (2) dwelling units per sixty (60) feet of frontage on Worth Avenue; and, provided such special allowance is based upon the "Worth Avenue Design Guidelines," and review and approval by the Architectural Commission.

The Worth Avenue Design Guidelines are hereby incorporated and adopted as part of this Zoning Ordinance as if fully set forth herein.

L(3) L(1) and L(2), above, shall expire upon the third anniversary of its adoption, unless the Town Council specifically authorizes their continuation.

2. Add a new item "N. Outdoor Cafe" to the list of Special Exceptions in the C-WA District.
3. Add a new footnote (3) to the Schedule of Use Regulations, applicable to Special Exception Uses in the C-TS, C-WA, C-PC and C-B Districts, to read as follows:

(3) An owner or tenant of a property, located within the C-TS, C-WA, C-PC or C-B Districts, which property has received approval of a Special Exception after March 31, 1980 shall be required to obtain approval by the Town Council under the provisions of Section 6.40 (L) prior to being granted a new occupational license. This provision shall not apply to renewal of existing occupational licenses.

Section 3. Article 5 of the aforesaid Ordinance titled "SUPPLEMENTARY LOT REGULATIONS" is hereby amended as follows:

- (a) Amend Section 5.14, "Street Lot Lines," as follows: Paragraphs (a), (b) and (d) to be deleted; paragraph 5.14 to read as follows and remaining paragraphs (c), (e) and (f) to be relettered to (a), (b) and (c) respectively.

(5.14) STREET LOT LINES. The front lot line, side street line or rear street line of any lot shall be the right-of-way line (the street line) of the abutting street.

- (a) When a lot abuts a private street where the right-of-way width is not, in the opinion of the building official, clearly determined, the street lot lines, for the purposes of this ordinance, shall be located fifteen (15) feet from and parallel to or concentric with the center line of said street.

(b) For the purpose of uniformity in administration of zoning regulations contained in this ordinance, no portions of a public or private street right-of-way as defined herein shall be included in required front yard, street side yard or street rear yard areas for determining required building setbacks, nor shall any portion of a public or private street right-of-way be used in computations of required minimum abutting lot areas. Further, cul-de-sacs and street transitions at street intersections, as shown, on Town Council approved subdivision plats having public or private streets therein, shall likewise not be included as a portion of required building setback areas or required minimum lot areas.

(c) Any structure on any lot which abuts a public or private alley or platted access walkway, except Lake Trail, shall be set back from that alley or platted walkway a distance equal to the side or rear yard setback requirements, as the case may be, for that district. A principal structure shall not front on such an alley or walkway.

(b) Amend Section 5.10, "Lot Regulations," by adding a new subsection 5.18 to read as follows:

5.18 ALTERATION OF NATURAL GRADE. In residential districts, for single-family development, the natural grade of a lot shall not be raised more than one (1) foot except to raise the grade to the minimum elevation to meet base flood elevation requirements.

(c) Amend Section 5.30, "Yard Regulations," by adding a new subsection (e) to Section 5.33, to read as follows:

(e) Within the C-WA District, arcades or colonnades may be constructed, subject to approval as a Special Exception, over sidewalks or ways, provided that they shall not project nearer than three (3) feet to the face of the street curb line, nor more than ten (10) feet but not less than seven (7) feet from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade; and, provided that no support shall be nearer than three (3) feet to the face of the curb and said installation shall have a minimum of nine (9) feet of vertical clearance.

The design of such arcades or colonnades shall be based upon the "Worth Avenue Design Guidelines," and shall be subject to review and approval by the Architectural Commission.

The Worth Avenue Design Guidelines are hereby incorporated and adopted as part of this Zoning Ordinance as if fully set forth herein.

- (d) Amend Section 5.47(a), "Beach house building and fence, etc., height, width, and length limit," to read as follows:

(1) For properties within the Beach Area District adjacent to properties in the R-B District:

No structure or beach house building more than one (1) story (but not to exceed eight (8) feet in height as measured from the natural grade or crown of the road, whichever is less, to the underside of the roof plus four (4) feet in height to the highest point of the roof, twenty (20) feet in width but occupying not more than 20% of the width of the lot, and ten (10) feet in length) shall be constructed on privately owned property lying east of Ocean Boulevard; but this restriction shall not be deemed to apply to jetties or groins, or other structures for the protection of the beachfront; and provided further than no additional walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of the Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained. No parking will be allowed in the beach area district.

(2) For properties within the Beach Area District adjacent to properties in Districts other than R-B:

"No structure or beach house building more than one (1) story (but not to exceed sixteen (16) feet in height to the highest point of the roof, twenty (20) feet in width, and twenty-five (25) feet in length) shall be constructed on privately owned property lying east of Ocean Boulevard; but this restriction shall not be deemed to apply to jetties or groins, or other structures for the protection of the beachfront; and provided further than no additional walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of the Ocean Boulevard to a height greater than four (4) feet above the surface

of the Ocean Boulevard pavement along which such wall, fence or growth is maintained. No parking will be allowed in the beach area district.

- (e) Amend Section 5.48, "Special Exception to Height Regulations; Special Exception Structures" to provide new height and coverage guidelines for 2-story and 3-story structures in the C-WA District, by modifying subitem "G" to read as follows:

G. C-WA District: The following provisions shall be applicable to two-story and three-story construction in the C-WA District:

1. Two-story guidelines:

- a. First story coverage not more than thirty-five (35) percent and second story coverage not more than thirty-five (35) percent.
- b. First story coverage not more than fifty (50) percent and second story coverage not more than thirty-five (35) percent if designed under the Worth Avenue Design Guidelines in conformance with Section 6.40 (Q).

2. Three-story guidelines:

First story coverage not more than fifty (50) percent; second story coverage not more than thirty-five (35) percent; and third story coverage not more than twenty-five (25) percent per special allowance under the Worth Avenue Design Guidelines in conformance with Section 6.40 (Q).

3. Items 1 and 2, above, shall expire upon the third anniversary of their adoption, unless the Town Council specifically authorizes their continuation.

Section 4. Article 6 of the aforesaid Ordinance titled "SUPPLEMENTARY USE REGULATIONS" is hereby amended as follows:

- (a) Amend Section 6.32, "Signs in Residential Districts" by amending subsection (b)(1)(a) to read as follows:

- (a) The sign shall read either "Open", "For Rent" or "For Sale" and may include the name of the persons affecting the sale or rental and the telephone number of the owner or agent relative to the premises upon which the sign is located.

- (b) Amend Section 6.33, "Signs in Commercial Districts," and paragraph 6.33 (c), "Location" to read as follows:

(6.33) SIGNS IN COMMERCIAL DISTRICTS.

One building identification sign which is installed flat against the main wall of a building may be provided for each building street frontage provided such sign does not exceed twenty (20) square feet in area. Additionally, business signs which are installed flat against the main wall of a building are permitted for each licensed business in a building, in accordance with the following regulations:

Amend Section 6.33(c) to read as follows:

(c) Location. Tenants shall be allowed signs on first floor merchandise display areas, provided that the sign area for each individual display area shall not exceed its proportionate share of the total allowable maximum gross surface area for the building as calculated under (a) above and that the total gross surface area of all signs displayed on the building shall not exceed the maximum for that building as calculated under (a) above.

- (c) Amend Section 6.40, "Special Exception Uses," by adding a new item (q) to read as follows:

(q) Special exceptions in the C-WA District which involve special allowances pertaining to residential uses, height or coverage, as referenced in Sec. 5.48 of this Code, shall be based upon the Worth Avenue Design Guidelines and contingent upon review and recommendation by the Architectural Commission.

The Architectural Commission, in order to make a positive recommendation, must make an affirmative finding that the proposed special exception is meritorious to the Town of Palm Beach because of its general appearance and adherence to the "Worth Avenue Design Guidelines" published by Adley, Brisson, Engman, Inc.

The Worth Avenue Design Guidelines are hereby incorporated and adopted as part of this Zoning Ordinance as if fully set forth herein.

- (d) Amend Section 6.40, "Special Exception Uses," by adding a new paragraph (r) as follows:

(r) That the proposed use will not place a greater burden, than would be caused by a permitted use, on municipal police services due to increased traffic, or on fire protection services due to the existence of, or increased potential for, fire/safety code violations.

Section 5. Article 8 of the aforesaid Ordinance titled "NONCONFORMITIES" is hereby amended as follows:

- (a) Amend Section 8.11, "Extension or Expansion of Nonconforming Uses," to read as follows:

EXTENSION OR EXPANSION OF NONCONFORMING USES.

No nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy greater area than it occupied at the effective date of adoption or amendment of this chapter [ordinance] except as may be granted by variance under section 10.13 of this ordinance. No such nonconforming use shall be relocated in whole or in part to any portion of lot or parcel except the location occupied by such use at the effective date of adoption or amendment of this chapter [ordinance].

Section 6. Article 10 of the aforesaid Ordinance titled "APPEALS AND VARIANCES" is hereby amended as follows:

- (a) Amend Section 10.13, "Variances," by adding a new paragraph (f) and change existing paragraph (f) to paragraph (g). New paragraph (f) to read as follows.

(f) That in the event of the granting of a variance to Sections 8.11, 8.14, or 8.15, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

- 1) That it is the continuance of a unique hotel or residential use that has, for at least fifteen (15) years proven compatible with the surrounding uses; and,

- 2) Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district, would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area.

And, further, that such variance shall:

- (3) be granted only for the continuation of the same hotel or residential use; and,
- (4) require the applicant to submit a Declaration of Use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

Section 7. Article 13 of the aforesaid Ordinance titled "VIOLATIONS AND PENALTIES" is hereby amended as follows:

- (a) Amend Section 13.20, "Violations and Penalties," by amending paragraph 4 thereunder to read as follows:

Nothing herein contained shall prevent the Town from taking other lawful action necessary to prevent or remedy any violation of or failure to comply with the regulations contained in this ordinance, including, but not limited to, the issuance of a citation pursuant to the general penalty provision of the Town's code of ordinances and/or the commencement of a civil action in a court of appropriate jurisdiction.

- (b) Amend Section 13.20, "Violations and Penalties," by eliminating paragraph (b) in its entirety.

PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 9th day of April, 1991, and on second and final reading on this 23rd day of April, 1991.

Samuel G. Neeker

William H. Hensley

Thomas L. Hensley

Town Council

W. H. Hensley
Mayor

ATTEST:

Grace J. Peters
Town Clerk

TMF/t C:\TEMP\TC-ord1-.91