

# TOWN OF PALM BEACH

## Information for Town Council Meeting on: August 8, 2023

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building

Re: Request to Consider Ordinance No. 010-2023 at Public Hearings Prior to 5:00 p.m.

Date: July 26, 2023

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### **STAFF RECOMMENDATION**

Staff recommends the Town Council conduct the first reading on Ordinance No. 010-2023 at the regular scheduled Town Council meeting of August 9, 2023, prior to 5:00 p.m.

### **BOARD OR COMMISSION RECOMMENDATION**

Ordinance No. 010-2023 proposes Code language to allow single-family prior platted lots that do not meet the lot frontage, and/or lot dimensions, and/or lot size, to not require processing an application for a Special Exception Approval.

On April 27, 2023, the Planning and Zoning Commission recommended the subject ordinance move forward to first and second reading. However, at the July 12, 2023, Local Planning Agency, and Town Council meetings, staff was questioned as to why the R-A and R-AA were included in the proposal ordinance, as there was reason to believe that lots within these two (2) single-family residential districts conform to their respective lot size and dimension requirements. The proposed ordinance was then deferred a month.

Following the July Town Council meeting, staff conducted research that supported the original intent of the ordinance, which is to allow all single-family zoning districts to not require a Special Exception Approval for non-conformity. The data collected found a comparable distribution among all three (3) districts. The figures have been provided as backup to proposed Ordinance No. 010-2023.

### **GENERAL INFORMATION**

Pursuant to Section 166.041, F.S., in cases in which a proposed ordinance changes the actual list of permitted, conditional (special exceptions), or prohibited uses within a zoning category, the Town Council is required to hold at least one of two public hearings after 5:00 p.m. The Statute also provides that the time of hearing can be changed if a majority, plus one, of the local governing body, elects to have a hearing at another time of day. Staff is requesting that

the Town Council elect to conduct the second and final public hearing on Ordinance No. 009-2023 and Ordinance No. 010-2023 during the course of the normal Council business. The second reading of the Ordinance will be on September 6, 2023.

**TOWN ATTORNEY REVIEW**

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

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