

ORDINANCE NO. XXX-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ARTICLE I., SECTION 134-2 DEFINITIONS AND RULES OF CONSTRUCTION, TO CREATE A DEFINITION FOR VALET ONLY GARAGE; TO ARTICLE VI, DISTRICT REGULATIONS, DIVISION 5. -R-C MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 134-945, SPECIAL EXCEPTION USES; SECTION 134-948 LOT, YARD AND AREA REQUIREMENTS, SECTION 134-955, AND OFF-STREET PARKING AND LOADING; TO ALLOW VALET ONLY PARKING STRUCTURES ANCILLARY TO AN EXISTING HOTEL; 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, Article I., Section 134-2 Definitions and Rules of Construction, is hereby amended as follows:

Section 134-2 Definitions and Rules of Construction.

Garage, private means a building or space used as an accessory to or part of a main building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage, valet only, means a building providing for the storage of a minimum of 100 motor vehicles and may include traditional, tandem, mechanical and/or other parking methods.

Garage, storage means any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

Section 2. Chapter 134, Division 5.-R-C Medium Density Residential District, Section 134-945, Special Exception Uses is hereby amended as follows:

Sec. 134-945. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-C medium density residential district are as follows:

- (1) Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Nonprofit cultural centers.
- (8) Municipally owned or operated parking areas.
- (9) Beach houses intended for the use of family and guests only.
- (10) Museums occupying buildings of unique value as historical landmarks as determined by the landmarks preservation commission and the town council and for which it is demonstrated that no permitted use is economically viable.
- (11) Roof-deck automobile parking.
- (12) Group home.
- (13) Foster care facility.
- (14) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- (15) Municipally owned and operated parks and recreation areas.
- (16) Valet only garages to an existing hotel with at least 75% area dedicated to parking and at most 25% dedicated to commercial uses.

Section 3. Chapter 134, Division 5.-R-C Medium Density Residential District, Section 134-948, Lot, yard and area requirements – Generally is hereby amended as follows:

Sec. 134-948. Lot, yard and area requirements - Generally.

In the R-C medium density residential district, the schedule of lot, yard and area requirements is as given in this section:

(1) *Lot area.*

- a. For single-family uses, the minimum lot area is 10,000 square feet.
- b. For two-family uses, the minimum lot area is 13,333 square feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot area is 20,000 square feet.
- e. For valet only garages to an existing hotel, the minimum lot area is 15,000 square feet.

(2) *Lot width.*

- a. For single-family uses, the minimum lot width is 75 feet.
- b. For two-family uses, the minimum lot width is 75 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot width is 100 feet.
- e. For valet only garages to an existing hotel, the minimum lot width is 75 feet.

(3) *Lot depth.*

- a. For single-family uses, the minimum lot depth is 100 feet.
- b. For two-family uses, the minimum lot depth is 100 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot depth is 100 feet.
- e. For valet only garages to an existing hotel, the minimum lot depth is 100 feet.

(4) *Density.*

- a. For single-family uses, the maximum density is four dwelling units per acre.
- b. For two-family uses, the maximum density is six dwelling units per acre.
- c. For townhouses, the maximum density is six dwelling units per acre. See article III of this chapter for site plan review requirements.
- d. For multifamily uses, the maximum density is six dwelling units per acre. See article III of this chapter for site plan review requirements.

(5) *Front yard.*

- a. For single-family uses, the minimum front yard setback is 25 feet.
- b. For two-family uses the minimum front yard setback is 25 feet. If garage doors face a street, at least 40 percent of the entire structure facing said street shall have a setback at least 20 feet greater than the minimum setback otherwise required. Where two-family structure is located on corner lots, the foregoing requirement shall apply only to that street on which the garage fronts. However, in no instance shall a two-family structure have less than 25 percent of the frontage of the building along any street frontage set back less than an additional ten feet beyond the street yard setback otherwise required.
- c. For town houses the minimum front yard setback is 25 feet. If garage doors face a street, at least 40 percent of the entire structure facing said street shall have a setback at least 20 feet greater than the minimum setback otherwise required. Where two-family structure is located on corner lots, the foregoing requirement shall apply only to that street on which the garage fronts. However, in no instance shall a townhouse structure have less than 25 percent of the frontage of the building along any street frontage set back less than an additional ten feet beyond the street yard setback otherwise required.
- d. For multifamily uses, the front yard setback shall be either 25 feet or the height of the building, whichever is the greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577.
- e. For valet only garages to an existing hotel, the minimum front yard setback is 10 feet.

(6) *Side yard.*

- a. For single-family uses, the minimum side yard setback is ten feet.
- b. For two-family uses, the minimum side yard setback is ten feet for the one-story portion and 15 feet for the two-story portion.

- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the side yard setback shall be 20 feet or the height of the building, whichever is greater.
- e. For valet only garages to an existing hotel, the minimum side yard setback is 10 feet.

(7) *Rear yard.*

- a. For single-family uses, the minimum rear yard setback is 15 feet.
- b. For two-family uses, the minimum rear yard setback is 15 feet.
- c. For townhouses, the minimum rear yard setback is 15 feet.
- d. For multifamily uses, the minimum rear yard setback is 30 feet.
- e. For valet only garages to an existing hotel, the minimum rear yard setback is 10 feet.

(8) *Height and overall height.*

- a. For single-family uses, the maximum building height is two stories, not to exceed 23½ feet.
- b. For two-family uses, the maximum building height is two stories, not to exceed 23½ feet.
- c. For townhouses, the maximum building height is two stories, not to exceed 23½ feet.
- d. For multifamily uses, the maximum building height of a one or two-story building is 23½ feet; See special exception provisions in sections 134-227 through 134-233, section 134-952, and article III of this chapter.
- e. For valet only garages to an existing hotel, the maximum building height is two-stories, not to exceed 23 ½ feet.
- e.f Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus three feet for a flat roof and eight feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For single-family uses, the maximum lot coverage is 30 percent.

- b. For two-family uses, the maximum lot coverage is 30 percent.
- c. For townhouses, the maximum lot coverage is 35 percent.
- d. For multifamily uses, the maximum lot coverage is 30 percent.
- e. For valet only garages to an existing hotel, the maximum lot coverage is 60 percent.

(10) *Dimensions.* For multifamily building maximum dimensions, see section 134-1871 et seq.

(11) *Landscaped open space.*

- a. For single-family uses, the minimum landscaped open space is 45 percent, of which 50 percent of that percentage is required to be perimeter landscaping within ten feet of the property line. The perimeter landscaped open space requirement shall not apply to lots 20,000 square feet or more in area.
- b. For two-family uses, the minimum landscape open space is 40 percent.
- c. For townhouses, the minimum landscaped open space is 35 percent.
- d. For multi-family uses, the minimum landscaped open space is 35 percent.
- e. For valet only garages to an existing hotel, the minimum landscaped open space is 25 percent.
- e.f. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-C district and not less than 35 percent must be landscaped open space for all other type of development.

Section 4. Chapter 134, Division 5.-R-C Medium Density Residential District, Section 134-955, Off-street parking and loading is hereby amended as follows:

Sec. 134-955. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-C medium density residential district are contained in article IX of this chapter.

Under Sec. 134-945(16) valet only garages are exempt from the off-street parking requirements of Article IX of this chapter. Valet only parking garages shall allow traditional, tandem, mechanical and/or other parking methods.

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