

ORDINANCE NO. 006-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE VI, DISTRICT REGULATIONS; AMENDING SECTIONS 134-1482-134-1500. – RESERVED, TO CREATE A NEW DIVISION 16. CI CULTURAL INSTITUTION DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITHIN; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Code Section 134-261, the Town Council of the Town of Palm Beach may from time to time on its own motion or on petition, signed by the fee simple property owner of the property involved or authorized designee, agent or representative of the owner by power of attorney filed with the director of the Planning, Zoning and Building Department or designee, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries; and

WHEREAS, on January 10, 2024, the Town of Palm Beach received a privately initiated development review application to amend Chapter 134, the Town of Palm Beach Zoning Code, of the Town’s Code of Ordinances to create a new Division 16. CI Cultural Institution Zoning District (the “Amendment”); and

WHEREAS, on March 5, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the proposed Amendment to the Code of Ordinances and recommended to the Town Council that the Amendment be approved; and

WHEREAS, on March 13, 2024, the Town Council conducted a public hearing wherein it considered the recommendations of the Planning, Zoning and Building Department and the Planning and Zoning Commission regarding the text amendment to the Code of Ordinances; and

WHEREAS, the Town Council determined that the proposed Amendment, as more particularly described in Exhibit A, promotes the public health, safety and welfare; and

WHEREAS, the Town Council has determined that the creation of a new Division 16. CI Cultural Institution Zoning District would be consistent with the adopted Town of Palm Beach Comprehensive Plan as amended on November 9, 2022.

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

Section 1. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 2. Amendment of the Zoning Code of the Town of Palm Beach Code of Ordinances.

The Town Council directs that the Town of Palm Beach Code of Ordinances be amended at Chapter 134, to create a new Division 16. CI Cultural Institution Zoning District as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 3. 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 4. 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 5. Codification.

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

Section 6. Effective Date.

This Ordinance shall take effect 31 days subsequent to its enactment on second and final reading, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13 day of March 2024, and for second and final reading on this 15 day of May, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

DIVISION 16. CI CULTURAL INSTITUTION DISTRICT

Sec. 134-1482. Purpose

The purpose of the CI Cultural Institution district is to provide for uses such as not-for-profit cultural and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of Town persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose, owned and operated by a single not-for-profit cultural and arts institution. A campus owned by a single not-for-profit cultural and arts institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this Division and thus applied to the entire campus and not on an individual lot by lot basis.

Sec. 134-1483. Permitted uses.

Not-for-profit cultural and arts institutions are permitted in the CI Cultural Institutional district. For purposes of this Division, a “not-for-profit cultural and arts institution” means any corporation, organization, association, or institution that (a) provides programs or activities in areas directly concerned with the arts or cultural heritage, (b) is not-for-profit and owned and operated by a single cultural and arts institution that has a tax-exempt status with the Internal Revenue Service, and whose net earnings may not lawfully inure to the benefit of any private shareholder, member, or individual, (c) may include one or more museums, art galleries, performing art centers, libraries, and/or botanical and sculpture gardens, and (d) may include one or more accessory uses that are customarily incidental to and directly supportive of such uses, including cooking facilities, lecture halls, classrooms, storage facilities, offices, off-street parking and loading, and not more than a total of three residential units for purposes of no-charge housing to employees, short-term guests, and artists in residence, all of which shall be subject to the conditions and limitations set forth in this Division, and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.

Sec. 134-1484. 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 CI Cultural Institution district are as follows:

- (1) Outdoor promotional events. See section 134-2115(1) through section 134-2115(8) for additional conditions and criteria.
- (2) Accessory café. Not more than one accessory cafe that shall not be open to or advertised as being open to the general public and shall offer limited menus that reflect the café’s purpose of supporting the patrons of the not-for-profit cultural and arts institution. At the discretion of the Town Council, the accessory café may be subject to a Declaration of Use Agreement that addresses the number of seats, hours of operation, and any other conditions of approval imposed by the Town Council.
- (3) Three-story building. Only one three-story building is permitted per campus. Additions to existing three-story buildings are permitted provided the addition complies with the requirements of this Division.

Sec. 134-1485. Reserved.

Sec. 134-1486. Reserved.

Sec. 134-1487. Reserved

Sec. 134-1488. Lot, yard and area requirements—Generally.

In the CI Cultural Institution district, the schedule of lot, yard and area requirements is as provided in this section, and for the purposes of this section, “adjoin” shall be defined as having a common property line or being separated only by a public right-of-way.

- (1) Campus area. The minimum area is seven acres.
- (2) Campus width. The minimum width is 300 feet.
- (3) Campus depth. The minimum depth is 300 feet.
- (4) Density. No residential density is permitted other than the residential dwelling unit(s) permitted under Section 134-1483 of this Division. Residential dwelling units shall be limited to a maximum of three units within the campus and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.
- (5) Front yard.
 - a. When the front yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum front yard setback required.
 - b. When the front yard of a lot in the campus adjoins two or more intersecting street lines, there is no minimum front yard required.
 - c. When the front yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum front yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum front yard setback shall be 30 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the front yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height. In no case shall the front yard setback be less than 30 feet.
- (6) Side yard.
 - a. When the side yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum side yard required.
 - b. When the side yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum side yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum side yard setback shall be 25 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the minimum side yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height.
 - c. When the side yard of a lot in the campus adjoins a public or private roadway interior to the campus, there is no minimum side yard required.
- (7) Rear yard.
 - a. When the rear yard of a lot in the campus adjoins property zoned a non-residential zoning district, the minimum rear yard setback shall be ten feet.
 - b. When the rear yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:

Exhibit A

- 1) For one-story buildings, the minimum rear yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum rear yard setback shall be 30 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the minimum rear yard setback shall be increased by one foot for each one foot of building height above 22 feet exceeding 22 feet in height.
- (8) Separation from single-family use. No three-story buildings, or portion thereof, shall be permitted within 150 feet of a single-family use or single-family residential zoning district. Such distance shall be measured from the property line on which the single-family use or single-family zoning district is located to the building in the CI Cultural Institution district.
- (9) Height and overall height.
- a. For one-story buildings, the maximum building height is 15 feet.
 - b. For two-story buildings, the maximum building height is 30 feet.
 - c. In the CI Cultural Institution district, the maximum building height allowed by right is two stories, with provision for a special exception for three stories with a maximum building height of 45 feet. See special exception provisions in sections 134-226 through 134-233 (special exception use), and article III of this chapter (site plan review).
 - d. Maximum overall height of a building shall be measured as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (10) Lot coverage.
The maximum lot coverage for a campus shall be 30 percent.
- (11) Planar break.
- a. Buildings that exceed 140 feet in length shall provide a planar break which consists of recesses or projections in the building. The intent is to provide façade articulation that breaks up the building. Planar breaks shall be a minimum of two feet of recessed or projecting building area, or as determined by the Landmarks Preservation Commission or the Architectural Commission (as applicable).
 - b. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.
- (12) Landscaped open space.
The minimum landscaped open space for a campus shall be 25 percent. Not less than 35 percent of the required front yard must be landscaped open space unless a zero front yard setback is provided, then there shall be no required front yard landscaped open space.
- (13) Floor area.
- a. For one-story buildings, the maximum gross floor area of buildings is 20,000 square feet.
 - b. For two-story and three-story buildings, the maximum gross floor area of buildings is 50,000 square feet.
 - c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall

Exhibit A

each be considered as a separate building for the purpose of calculating building floor area.

Sec. 134-1489. Statue and/or sculpture.

Notwithstanding the requirements contained in section 134-1727 of the Code of Ordinances, the following statues or sculptures shall be permitted by right if located in the CI Cultural Institution district and shall not require the review and approval by the Landmarks Preservation Commission or the Architectural Commission (as applicable):

- 1) Statues or sculptures nine feet or less in height, or
- 2) Statues or sculptures greater than nine feet, but not to exceed 12 feet, and not visible from a public right-of-way.

Sec. 134-1490. Nonconforming buildings and structures.

In the CI Cultural Institution district, any building or structure located at a cultural and arts institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued, except as otherwise provided in article IV.

Sec. 134-1491. Parking

Where there is a conflict between the requirements contained in sections 134-2175 and 134-2176 of the Code of Ordinances and this section, the specific requirements of this section shall govern.

In the CI Cultural Institution district, the following uses within any building or structure located on a cultural and arts institution campus are exempt from providing any required parking:

- 1) Accessory café
- 2) Storage facilities or spaces
- 3) Cooking facilities
- 4) Residential dwelling unit(s) as permitted under Section 134-1483 of this Division
- 5) Building areas utilized for any back of house operational spaces, such as, but not limited to, green rooms, changing rooms, prop storage areas, wet and dry art work spaces, and any areas associated with the operation of a theater or performing arts facility that do not contain seats or access for patrons.

Sec. 134-1492. Reserved

Sec. 134-1493. Signs.

- 1) In the CI Cultural Institution district, any sign located at a cultural and arts institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued except as otherwise provided in article IV.
- 2) The Town recognizes that different types of cultural and arts institutions require different types of signs, sizes, and styles of signage. The Landmarks Preservation Commission or the Architectural Commission (as applicable) shall approve a Master Sign Plan that specifies all signage by type, size, quantity, material, and placement throughout the cultural and arts institution campus. Any change to an approved Master

Exhibit A

Sign Plan or changes to individual signs visible from a public street shall be approved by the Landmarks Preservation Commission (as applicable).

The Master Sign Plan may include different types of signs, sizes, and styles. The design standards below may be considered, but shall not limit the design and placement of such signage:

- a. Campus Identification Monument Signage
 - 1) Any monument signage shall display the name of the cultural and arts institution with a maximum lettering height of six inches.
 - 2) Monument signs are permitted within the front yard setbacks provided that it does not conflict with the sight triangle requirements of section 134-1637.
 - 3) Maximum height of the monument sign shall be four feet above the grade.
- b. Campus Identification Portal/Gateway-Mounted Signage
 - 1) One portal/gateway-mounted sign is allowed at main entrances such as driveways, intersecting roads, or other arrival points, identifying the name of the cultural and arts institution with a maximum lettering height of three inches.
- c. Building-mounted Building or Venue Identification Signage
 - 1) One building or venue sign is allowed at each publicly accessible entrance to a building with a maximum lettering height of three and a half inches.
- d. Wayfinding and Educational Signage

Free-standing or wall mounted signs identifying campus circulation or containing educational information are permitted but shall be limited as follows:

 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of four feet above the grade.
 - 3) A maximum sign width of two feet.
- e. Donor signs are permitted but shall be limited as follows:
 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of two feet above the grade.
 - 3) A maximum dimension of 12 inches by 12 inches.
- 3) The requirements of this section shall supersede the requirements contained in Division 3 of article XI of this chapter.
- 4) The following signs shall be prohibited on a campus:
 - a. Neon, including neon tubing signs.
 - b. Backlit signs.
 - c. Strobing, blinking or flashing signs.

Sec. 134-1494 – 134-1500. Reserved.