



# TOWN OF PALM BEACH

Minutes of the Development Review  
Town Council Meeting  
Held on December 11, 2024

## **I. CALL TO ORDER AND ROLL CALL**

The Town Council Development Review meeting was called to order on December 11, 2024, at 9:30 a.m. On roll call, all elected officials were found to be present.

## **II. INVOCATION AND PLEDGE OF ALLEGIANCE**

Acting Town Clerk Churney gave the invocation. Council President Lindsay led the Pledge of Allegiance.

## **III. COMMENTS OF MAYOR DANIELLE H. MOORE**

Mayor Moore wished everyone Happy Holidays and expressed her appreciation for the discussion on traffic at the Tuesday meeting.

## **IV. COMMENTS OF TOWN COUNCIL MEMBERS**

Council President Lindsay announced a 10 a.m. time certain for 376 S. County Road. She stated that the Town Council would decide at 11:30 a.m. whether the break was needed.

Council Member Cooney acknowledged the staff for their hard work on quality-of-life issues.

Council Member Araskog wished everyone a Happy Holiday season.

Council President Pro Tem Crampton acknowledged Council President Lindsay and Town Manager Blouin's work on the traffic discussion. He thought the suggestions were worth testing to see if they improved traffic. He wished everyone a Happy Holiday season.

Council Member Moran thanked her fellow council members for making her feel

welcome during her first year and wished everyone a Happy Holiday season.

Council President Lindsay wished everyone a Happy Holiday season. She also stated that Town Manager Blouin would implement a website where residents could comment on the traffic.

**V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE**

No comments were heard at this time.

**VI. APPROVAL OF AGENDA**

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve the agenda as presented.**

Mr. Cooney raised the construction hours that had passed at the meeting on Tuesday and asked to discuss when the hours would be in effect. He clarified that 7:00 a.m. to 8:00 a.m. would be set aside for quiet work. He had heard concern that an hour of quiet work time had been lost with the change compared to the rules in place.

**The motion was carried unanimously, 5-0.**

**VII. REGULAR BUSINESS**

**A. Discussion Regarding Construction That Deviates From the Approved Permit Plans**

Mr. Bergman introduced the item and explained the issues. He suggested a strike could be issued in the three-strike program once the staff determines a deviation. He suggested the Town Council consider adding a fee for this deviation. He stated that if the Town Council agreed, a code amendment could be prepared and presented at an upcoming meeting.

Council Member Araskog thought this situation was serious. She recommended instituting a strike to stop work, and the owner should go before the Town Council for permission to proceed. She also suggested that the work be changed to what was approved.

Council Member Cooney favored Mr. Bergman's suggestions. He thought incremental steps were needed. He agreed with Council Member Araskog but thought that the Planning, Zoning, and Building Department might be able to preserve some flexibility.

Mayor Moore thought the suggestions were good. She favored Council Member Araskog's suggestions but agreed they may be too heavy-handed.

Council President Lindsay agreed with Council Member Araskog's suggestion. She did not believe these types of changes were unintentional but deliberate and believed they should not be tolerated. She wondered if a new inspector should be hired to evaluate the sites for these situations.

Council President Pro Tem Crampton agreed with Council President Lindsay and Council Member Araskog. He thought the inspections should be stepped up, even if that meant hiring another employee. He favored heavier fines and penalties.

Council Member Moran agreed and thought there were many reasons to support the decision, including adding items to long agendas and the neighbors that depended on the approved plans. However, she did not want minor changes to be subjected to this penalty.

Council President Lindsay called for public comment.

Jamie Crowley, an attorney who works in the town, stated he missed the public comment portion of the meeting and asked if he could raise an issue about traffic that occurred at the meeting on Tuesday. He discussed the change in construction hours for projects with existing permits and stated the projects were losing an additional hour of noisy work.

Discussion ensued about the construction hours to address Mr. Crowley's concern about contractors losing an hour of doing the noisier tasks associated with a construction project.

The Town Council stated that they would revisit the issue.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to reopen the discussion on traffic mitigation strategies at the meeting on Tuesday, December 10, 2024. The motion carried 4-1, with Council Member Cooney dissenting.**

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog to defer the discussion on traffic mitigation strategies to the January 14, 2025, meeting. The motion carried 4-1, with Council Member Cooney dissenting.**

*The discussion returned to construction, which deviated from the approved permit plans.*

Anne Pepper, 333 Seaspray Avenue, fully supported the changes and enforcement in the process.

Anne Fairfax, 455 Worth Avenue, thought fewer projects existed since the COVID pandemic. She wondered if the staff saw the same changes.

***The Town Council unanimously agreed to allow Mr. Bergman and the staff to assemble a list of suggestions and return to a future meeting to present it to the Council.***

**A. Discussion Regarding Staff Lead on Code Review & Reform**

Mr. Bergman provided an update regarding the Zoning Reform project. His update included background information, the vision, and possible processes moving forward. He discussed the Planning and Zoning Commission's (PZC) concerns with the process. Mr. Bergman had questions for consideration by the Town Council, as follows:

1. Does the Town Council support the PZC's consensus that staff should lead Zoning Code Review and Reform?
2. Does the Town Council support the possible process forward (eight steps) as presented? Should steps be removed or other steps be added?
3. What is the role of ZoneCo in the future?

Council Member Moran asked if a timeline could be created for staff to review

and reform the zoning code, to which Mr. Bergman responded in the affirmative.

Council Member Cooney supported the changes suggested by staff. He expressed some reservations about placing the entire process on staff and was concerned about the workload. He thought incorporating some type of peer review would benefit the community.

Council Member Araskog agreed with Council Member Cooney's comments. She thought that architects and a land use attorney would be necessary, along with the review of Town Attorney O'Connor. She asked for regular updates from the staff.

Mayor Moore discussed the reasons for hiring the outside consultants, and Ms. Hofmeister-Drew discussed the qualified staff now in place to complete the code reform.

Council President Pro Tem Crampton thought that ZoneCo should remain a consultant since they were professionals and could continue bringing outside resources.

Council Member Moran thought that ZoneCo did a good job providing a foundation. However, she felt that staff could now package the job in a way that would appeal to the residents. She thought a peer review would be appropriate when the new code was complete.

Council President Lindsay agreed that a top-notch peer review would be important.

Council Member Cooney wanted to ensure that the solicitation for a peer review was robust. He thought a selection committee would be important to get the desired outcome. He also wanted to ensure that many residents could provide input when solicited.

Council Member Araskog thought that the relationship between the Town and ZoneCo needed to end.

Council President Pro Tem Crampton thought Mr. Bergman should decide who provides the peer review.

***The Town Council unanimously agreed to allow Mr. Bergman and the staff to take the lead on code review and reform and to return to a future meeting to present a path forward.***

## **VIII. RESOLUTIONS**

- A. **RESOLUTION NO. 172-2024:** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **376 S County Rd.** meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town Palm Beach; And Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. ***[The property owner is opposed to this designation. The Landmarks Preservation Commission voted 5-2 for Landmarking.]***

Council Members Araskog, Cooney, Moran, Council President Lindsay, Council

President Pro Tem Crampton, and Mayor Moore disclosed ex-parte communications.

Emily Stillings, with MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1, 3, and 4 for Landmark Designation.

**A motion was made by Council President Pro Tem Crampton and was seconded by Council Member Moran to make the designation report part of the record. The motion was carried unanimously, 5-0.**

Council President Lindsay asked for proof of publication, which Friederike Mittner, Design and Preservation Manager, provided.

Jamie Gavigan, the attorney on behalf of Bethesda-by-the-Sea and building owners, repeated the comments by both Landmarks Preservation Commission Members Fairfax and Ives, who did not support the designation. Mr. Gavigan argued that the building was not an exemplary work of John Volk and other Volk buildings in town better demonstrated his work. He discussed the changes that had been made to the building over time. He asked why the building had not been landmarked earlier if it was a significant piece of John Volk's repertoire. He thought the renewed interest in the building was a response to recent legislation in the State.

Beth Cole, 1193 N Lake Way and Senior Warden at Bethesda-by-the-Sea, spoke about the church's important work. She stated there were no plans to change the building but did not want to get locked into the designation.

Jim Bertles, 226 Eden Road, a member of the Vestry at Bethesda-by-the-Sea, thought the Landmarks Preservation Commission had made a mistake in recommending the building's designation. He thought the existing building did not look like the building in 1936 and argued that it was not a notable work by John Volk. He recommended voting in opposition to the designation of the building.

Anne Fairfax, 455 Worth Avenue, a member of the Landmarks Preservation Commission, stated that the Town Council could overturn their recommendation. She cautioned against the rush to landmark a commercial building so it is not demolished. She also expressed concern about government overreach. She did not believe the building was under threat.

Amanda Skier, President and CEO of the Preservation Foundation of Palm Beach, argued that the building should have been included in the historic district when the Town Hall Square District was created. She noted that the Town Council could fix that with the designation. She also noted that the Secretary of Interior Standards did not apply to landmarked properties. She noted another John Volk building was recently threatened by demolition, and the Town had no mechanisms to stop the demolition. She added that the Town Council's role was to protect buildings for all the residents.

Anne Pepper, 333 Seaspray Avenue, thought the building was part of the core Town spaces and provided a sense of place. She thought it contributed to the town's historic nature and added texture, context, and fabric. She advocated for its designation.

Tim Schenck, Rector at Bethesda-by-the-Sea, discussed the opposition to the designation of this building and advocated allowing the options to continue with

their mission “To Love and To Serve.”

Aimee Sunny of the Preservation Foundation of Palm Beach agreed that the building met the criteria outlined by Ms. Stillings and provided further details. She reviewed the seven elements of integrity of the building that contribute to its importance. Finally, she thought the building was quiet and elegant, with its design intact. She stated that her analysis was that the Church Mouse building did comply with the criteria required to be landmarked.

Council Member Cooney asked Ms. Sunny about her education and qualifications. Ms. Sunny responded.

Council Member Araskog asked about a statement indicating only two Landmarks Preservation Commission members were qualified. Ms. Sunny argued about the other qualified members of the Commission. Attorney O'Connor also noted that the code outlines the qualifications required for appointees to the Landmarks Commission.

Mr. Bertles stated that their experts disagreed with the Town's experts. He brought up the landmark designation of Green's Pharmacy, which was not landmarked because of its use.

Council Member Araskog asked about Janet Murphy and Emily Stillings's background. Mses Murphy and Stillings responded.

Anita Seltzer, 44 Cocoanut Row, discussed the history of the landmarks ordinance and pointed out that at that time, the one owner that objected to the designation was the Flagler Museum. She pointed out that the owner has not indicated competent, substantial evidence that the building did not meet the designation criteria.

Janet Murphy pointed out that John Volk did not design Green's Pharmacy.

Ms. Mittner stated that comments indicated the building was not exemplary. She pointed out that this was not a criterion in the Code, nor was it whether a building was under threat.

Council President Lindsay asked about the commercial John Volk buildings that were designated as landmarks in town. Ms. Stillings discussed the five commercial buildings that were designated in town.

Council Member Moran agreed that the building was worthy of designation and thought it looked like an accessory building of the Town Hall plaza.

Council President Pro Tem Crampton acknowledged that the two goods were at odds. He agreed that the building did meet the criteria outlined in the Code.

Council Member Araskog asked Town Attorney O'Connor if the council needed to follow the criteria in the Code.

Town Attorney O'Connor stated that the Council Members needed to follow the criteria issued to the Town Council. She said the issue was whether this site met the criteria outlined in 54.161 of the Code.

Council Member Araskog asked Ms. Stillings if the owner support was part of the designation criteria. Ms. Stillings stated it was not part of the criteria in the code.

Council Member Cooney stated that designations objected to by owners were challenging, especially when the owner was a wonderful steward and a

contributing member of the town. He found testimony compelling in that the building met the criteria for designation. He thought the objections were fair and understandable. However, Council Member Cooney restated why he believed the building met the criteria.

Mayor Moore asked about the possibility of renovating the building. James Murphy, Assistant Director of Planning, Zoning, and Building, said it could be renovated with a second story. Ms. Mittner added that since the building did not need to meet the Secretary of Interior Standards, the Landmarks Preservation Commission would consider a second story.

Council Member Araskog agreed with Council Members Cooney and Moran. She acknowledged this would be a tough decision since the owner was a religious institution, but also acknowledged the experts who spoke in favor of the designation. She favored designation since they were to follow the criteria in the code.

Council President Lindsay wanted to acknowledge the incredible stewardship of the church and was happy to hear that the building could be renovated to add a second story to the building with the approval of the Landmarks Preservation Commission.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to approve Resolution No. 172-2024, designating the property at 376 S. County Road as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried 4-1, with Council President Pro Tem Crampton dissenting.**

## **IX. DEVELOPMENT REVIEWS**

### **A. Variances, Special Exceptions, and Site Plan Reviews**

#### **1. Old Business**

- a. **ZON-24-0010 (ARC-24-0023) 515 NORTH LAKE WAY (COMBO) - SPECIAL EXCEPTION AND VARIANCE** The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the January 15, Town Council meeting, pending Architectural Commission design review.]*  
**Clerk's note: This item was deferred to the January 15, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**
- b. **ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicle stacking. The Architectural Commission

(ARCOM) shall perform design review of the application. *[Architectural Review Commission denied this project. Carried 4-3.][This project was sent back to ARCOM for further design review. This project will be deferred to the January 15, 2025, Town Council Meeting.]*

**Clerk's note: This item was deferred to the January 15, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

- c. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO) - VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on-site modifications. *[This project shall be deferred to the January 15, 2025, Town Council meeting pending Landmark Commission design review.]*

**Clerk's note: This item was deferred to the January 15, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

- d. **ZON-24-0043(COA-24-0018)100,101,102,AND103FOUR ARTS PLZ—THE SOCIETY OF THE FOUR ARTS (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Society of the Four Arts Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a Special Exception with Site Plan Review, and one (1) variance for the reduction of on-site parking requirement for the substantial improvements to the Four Arts campus site including 1) demolition exceeding 50%, and the construction of a new one- and two-story additions and renovations to the existing two-story theater building (O'Keefe), 2) demolition exceeding 50%, and the construction of a new three-story addition, and renovations to the existing three-story administrative building (Rovensky), 3) demolition of the existing shade structure and construction of a new pavilion, 4) a Master Signage Plan, and 5) landscape and hardscape modifications. The application proposes the abandonment and realignment of a portion of the existing Lake Trail. The Landmarks Preservation Commission will perform the design review. *[This project shall be deferred to the February 12, 2025, Town Council meeting, pending Landmarks design review.]*

**Clerk's note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

- e. **ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD— PALM BEACH SYNAGOGUE (COMBO)—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Town Council review and approval for three (3) Special Exceptions for 1) Churches, synagogues or other houses of worship, 2) two-stories in the C-TS zoning district and 3) square footage greater than 3,000 SF in the C-TS district with Site Plan Review requiring nine (9) variances due to demolition exceeding 50%, renovations, and building additions, for 1) reduction in the minimum required front yard setback and

pedestrian walkway, 2) reduction in the minimum required overall landscape open space, 3) reduction in the minimum front yard landscape open space, 4) increase in the maximum permitted building length, 5) reduction to the on-site parking requirement, 6) elimination of the minimum required number of berths (off-street loading spaces), 7) increase of the maximum permitted gross building area, 8) reduction in the minimum required side yard setback, and 9) reduction in the minimum required rear yard setback for the landmarked property, for the construction of new one- and two-story additions to the two-story landmarked structure. The Landmarks Preservation Commission will perform the design review. *[This project shall be deferred to the January 15, 2025, Town Council meeting, pending Landmarks design review.]*

**Clerk's note: This item was deferred to the January 15, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

## 2. New Business

### a. **ZON-24-0042 (ARC-24-0080) 141 ATLANTIC AVE (COMBO) - VARIANCE**

The applicants, Sloane Family Trust (Brasseur & Drobot Architects, P.A.), have filed an application requesting Town Council review and approval for one (1) variance for a one-story addition of primary structure to encroach into the required east side yard setback. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the January 15, Town Council meeting, pending Architectural Commission design review.]*

**Clerk's note: This item was deferred to the January 15, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

### b. **ZON-24-0044 (ARC-24-0085) 315 CHAPEL HILL RD (COMBO)—SPECIAL EXCEPTION(S) AND VARIANCE**

The applicant, Ocean Breezes 2 LLC (Frances Lynch, Attorney), has filed an application requesting Town Council review and approval for two (2) special exceptions (1) for the redevelopment of an existing nonconforming parcel of land in the R-A zoning district and (2) to provide reduced vehicular queuing back-up distance for vehicular gates installed on a cul-de-sac street. Additionally, one (1) variance to exceed the maximum required building height plane setback area for the construction of the new two-story residence is also being requested. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the January 15, Town Council meeting, pending Architectural Commission design review.]*

**Clerk's note: This item was deferred to the January 15, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

### c. **ZON-24-0048 (COA-24-0016) 102 JUNGLE RD (COMBO) - VARIANCE**

The applicant, Ethanhill LLC, has filed an application requesting Town Council review and approval of one (1) variance to exceed the maximum allowable height for a beach access gate for the landmarked property. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative*

*architectural impacts to the subject property. Carried 7-0.][The Landmarks Commission approved this project, option number 3. Carried 7-0.]*

Council Members Araskog and Cooney disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests. Patrick O'Connell of Patrick Ryan O'Connell presented the architectural plans for the proposed project. Ms. Ziska discussed the hardship and discussed the proposed gate.

The Assistant Director of Planning, Zoning and Building James Murphy provided staff comments.

Council Member Araskog thought the gate was too tall for the area and the wall. She thought the gate would affect the vista. She thought the new gate would set a precedent and added that there was no hardship.

Council Member Cooney believed that more than 50% of the linear length was higher, which did not reach the 50% threshold. He noted that the gate would be transparent. He also was sensitive to the owner's concerns about trespassing.

Mayor Moore thought the gate was beautiful and in keeping with the area and the property.

Council Member Moran liked the gate and thought it was an improvement. She appreciated that it was transparent and favored the request.

Council President Lindsay asked about the gate's transparency. Ms. Ziska stated that the entire gate was transparent.

Council Member Araskog asked if the height of the gate could be reduced. Mr. O'Connell responded.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0048 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 4-1, with Council Member Araskog dissenting.**

- d. **ZON-24-0054 (ARC-24-0088) 310 PLANTATION RD (COMBO) - VARIANCES** The applicant, John Burns III (Environment Design Group), has filed an application requesting Town Council review and approval of three (3) variances, including (1) a variance to exceed the maximum lot fill allowed, (2) to exceed the maximum

allowed wall height and (3) to exceed the maximum allowed generator height. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]*  
*[The Architectural Review Commission approved this project with conditions. Carried 7-0.]*

Council Member Moran disclosed ex-parte communications.

Dustin Mizell of Environment Design Group presented the plans for the site.

Council Member Araskog wondered if this proposal would set a precedent.

Mr. Murphy further explained the request and discussed his recommendation.

Council Member Cooney thanked Mr. Murphy for speaking up at the Architectural Review Commission meeting and asking the applicant to redesign the project. He also complimented the department on the ordinance related to fill. Council Member Cooney thought the request met the legal hardship.

Council Member Moran asked about the wall height from North Woods Road. Mr. Mizell stated it would be seven feet.

Mayor Moore thought that if the home was a new residence, it might be a different story.

Discussion continued to assist the Town Council in understanding the request and the amount of fill needed.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0054 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 4-1, with Council Member Araskog dissenting.**

- e. **ZON-24-0057 (ARC-24-0097) 334 CHILEANAVE (COMBO) — VARIANCE** The applicants, Overflow Pad Too LLC (Environment Design Group), have filed an application requesting Town Council review and approval for one (1) variance to exceed the maximum allowable height for a wall. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the January 15, Town Council meeting, pending Architectural Commission design review.]*  
**Clerk's note: This item was deferred to the January 15, 2025, Town**

## ***Council meeting at the Approval of the Agenda, Item VI.***

### **B. Time Extensions and Waivers**

#### **1. Zoning In Progress "ZIP" Waiver: Breakers, 1 South County Rd.**

Jamie Crowley, an attorney on behalf of The Breakers, discussed the need for the waiver. He also noted that restaurants existed, and the total number of seats would be reduced. He noted that these areas were not open to the public.

Council Member Cooney asked how many members there were at the club. He was troubled with concerns related to the intensification of use, but he mentioned there were still 251 approved residential units for the PUD that had not yet been constructed.

Council Member Moran confirmed there would be no increase in intensity, to which Mr. Crowley affirmed.

Council Member Araskog asked about the increase in square footage, and Mr. Crowley said there would be an additional 1,805 square feet. However, the number of seats is being reduced from 340 to 269.

Council President Pro Tem Crampton noted that this would enhance the Breaker's facilities and benefit the members. He supported the request.

Council Member Cooney said he had met with The Breakers over a year ago, and their plans predated the enactment. He felt that the Town Council should be true to its word.

**A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to approve the zoning in progress waiver for the Breakers at 1 S. County Road. The motion was carried unanimously, 5-0.**

### **X. ORDINANCES**

#### **A. Second Reading**

#### **1. Proposed ordinance amending code sections related to medical marijuana and related treatment centers and dispensaries.**

**ORDINANCE NO. 034-2024** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article I, In General By Amending Section 134-2, Definitions And Rules Of Construction, To Add A Definition Of "Marijuana"; At Article VI, District Regulations, By Repealing Subsection 134-1109(A)(20) To Remove The Reference To Medical Marijuana Treatment Centers And Dispensaries As Special Exception Uses In The C-TS Town Serving Commercial District If Not Prohibited; At Article VIII, Supplementary

District Regulations, At Division 17. Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries To Amend The Title Of Division 17 To Reference Marijuana Generally And Outdoor Events; To Amend Section 134-2113, Prohibition To Detail The Uses Prohibited; And To Repeal Section 134-2114, Development Standards; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney O'Connor read Ordinance No. 034-2024 by title only.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to adopt Ordinance No. 034-2024 on the second reading. The motion was carried unanimously, 5-0.**

**XI. ANY OTHER MATTERS**

There were no other matters discussed at this time.

**XII. ADJOURNMENT**

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to adjourn the meeting at 1:11 p.m. The motion was carried unanimously, 5-0.**

APPROVED:

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk  
Date: \_\_\_\_\_