



TOWN OF PALM BEACH
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Planning and Zoning Commission Meeting

TO: Chair and Members of the Commission

THRU: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building
James Murphy, Assistant Director of Planning, Zoning & Building

FROM: Jennifer Hofmeister-Drew, AICP, LCAM, Planner III

SUBJECT: **Commercial Zoning Districts' Permitted and Special Exception Uses**

MEETING: March 6, 2025

RECOMMENDATION

The Planning, Zoning and Building (PZB) Department is requesting the Planning and Zoning Commission (PZC) to review and consider changes to the permitted and special exception uses in the Commercial Zoning Districts and make a recommendation to the Town Council.

GENERAL INFORMATION

At the Town Council meeting of February 12, 2025, the Town Council directed the PZC to review the adopted list of permitted and special exception uses in the C-TS Zoning District. The PZB staff is suggesting that each of the Commercial Zoning Districts' permitted and special exception uses be examined.

The following are the sections of the Code that address the permitted and special exception uses in the following Commercial Zoning Districts. Each of the Commercial Zoning Districts' permitted and special exception uses are provided in the following pages.

Town of Palm Beach Zoning Code – Commercial Zoning Districts	
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

DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT

Sec. 134-1107. Permitted uses.

- (a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:
- (1) Retail and service establishments, such as hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.
 - (2) Offices, executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor.
 - (3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.
 - (4) Nonprofit cultural centers.
 - (5) Professional and studio type schools.
 - (6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
 - (7) Essential services.
 - (8) Public parks.
 - (9) Residence(s) above the first floor.
 - (10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.

(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. 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. 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.

Sec. 134-1109. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS town-serving commercial district are as follows:
- (1) Public or private parking lots or storage garages.
 - (2) Auto rental lots.
 - (3) Private social, swimming, golf, tennis and yacht clubs.

- (4) Service stations.
- (5) Public structures/uses.
- (6) Essential services related to town-owned municipal buildings and structures.
- (7) Supplemental parking per sections 134-2177 and 134-2182.
- (8) Public or private academic schools.
- (9) Drive-in business service facilities.
- (10) Churches, synagogues or other houses of worship.
- (11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.
- (12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.
- (13) Roof-deck automobile parking.
- (14) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (15) Veterinarian offices above the first floor.
- (16) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.
- (17) Nightclubs.
- (18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.
- (19) Private parks.
- (20) Medical marijuana treatment centers and medical marijuana dispensaries are prohibited, however, should state law preempt said prohibition, said uses shall be permitted subject to the requirements in sections 134-2113 through 134-2114 of this chapter.
- (21) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (22) Restaurants, excluding formula restaurants, as defined in section 134-2 and bars/lounges.
- (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.

DIVISION 9. C-WA WORTH AVENUE DISTRICT

Sec. 134-1157. Permitted uses.

- (a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet of gross leasable area (GLA), are as follows:
 - (1) Antiques.
 - (2) Apparel and accessories.
 - (3) Art galleries.
 - (4) Art services.
 - (5) Bed and bath boutiques.
 - (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/studios.
 - (21) Shoes.
 - (22) Stationery.
 - (23) Essential services.
 - (24) Tobacconist.
 - (25) Toys.
 - (26) TV and electronic items.
 - (27) Offices and professional and business services, including banks and financial institutions, and executive offices above the first floor, excluding veterinarian offices.
 - (28) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
 - (29) Residence(s) above the first floor.
 - (30) Combinations of the uses in subsections (a)(1) through (28) of this section.
 - (31) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182 This use will sunset on March 13, 2024, unless extended or modified by town council.
- (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. 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 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. 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.

Sec. 134-1159. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-WA Worth Avenue district are as follows:
- (1) Pay parking.
 - (2) Public or private parking or storage garages.
 - (3) Private social, swimming, tennis or yacht clubs.
 - (4) Public structures/uses.
 - (5) Essential services related to town-owned municipal buildings and structures.
 - (6) Supplemental parking per sections 134-2177 and 134-2182.
 - (7) Restaurants, nightclubs, lounges/bars, excluding formula restaurants as defined in section 134-2.
 - (8) Museums and nonprofit cultural centers.
 - (9) Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 square feet GLA gross leasable area.
 - (10) Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.
 - (11) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
 - (12) Roof deck automobile parking.
 - (13) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
 - (14) Retail specialty foods, including incidental sale of prepared foods for takeout.
- (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.

DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT

Sec. 134-1207. Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

- (1) Offices and professional and business services and executive offices, excluding veterinarian offices.
- (2) Brokerage and trust companies.
- (3) Yacht Brokerage with no display of merchandise on premises.
- (4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- (5) Residence(s) above the first floor.
- (6) Essential services.
- (7) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182 This use will sunset on March 13, 2024, unless extended or modified by town council.

Sec. 134-1209. 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 C-OPI office, professional and institutional district are as follows:

- (1) Public or private parking lot or storage garages.
- (2) Auto rental lot.
- (3) Public structures/uses.
- (4) Essential services related to town-owned municipal buildings and structures.
- (5) Supplemental parking per sections 134-2177 and 134-2182.
- (6) Restaurants, excluding formula restaurants as defined in section 134-2.
- (7) Lounges/bars when associated with full-service restaurants.
- (8) Banks and financial institutions, excluding brokerage and trust companies.
- (9) Institutions.
- (10) Roof-deck automobile parking.
- (11) Outdoor cafe seating for only restaurants, and dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (12) Dining rooms when not more than 15 percent of the gross floor area of the structure; no exterior or external advertising to be permitted.

DIVISION 11. C-PC PLANNED CENTER DISTRICT

Sec. 134-1257. Permitted uses.

- (a) The permitted uses in the C-PC planned center district with no limitations on gross leasable area (GLA) are as follows:
 - (1) Appliance services.
 - (2) Bookstore/newsstand.
 - (3) Business and professional offices/services and executive office suites, excluding veterinarian offices.
 - (4) Churches, synagogues and other houses of worship.
 - (5) Dance instruction/studio.
 - (6) Drugstore/pharmacy.
 - (7) Florist.
 - (8) Formal wear rental.
 - (9) Furniture.
 - (10) Hardware/home improvements.
 - (11) Hobby shop.
 - (12) Laundry/dry cleaning.
 - (13) Locksmith.
 - (14) Medical services.
 - (15) Optician/optometrist.
 - (16) Picture framing.
 - (17) Photocopying.
 - (18) Photographic studio.
 - (19) Print shop.
 - (20) Secretarial services.
 - (21) Shoe repair.
 - (22) Tobacconist.
 - (23) Tailor/dressmaker.

- (24) Temporary help.
- (25) Travel agent.
- (26) Yard goods. (1)
- (27) Essential services.
- (28) Maximum 3,000 square feet of GLA. All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.

(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).

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. 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.

Sec. 134-1259. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-PC planned center district are as follows:
- (1) Public or private parking or storage garages.
 - (2) Private, social, swimming, tennis and yacht clubs.
 - (3) Public structures/uses.
 - (4) Essential services related to town-owned municipal buildings and structures.
 - (5) Supplemental parking per sections 134-2177 and 134-2182.
 - (6) Restaurants, excluding formula restaurants as defined in section 134-2, theaters, nightclubs, lounges/bars.
 - (7) Museums.
 - (8) Veterinarian/animal clinic.
 - (9) Auto rental.
 - (10) Banks and financial institutions.
 - (11) All retail and personal service activities exceeding 3,000 square feet gross leasable area not specifically cited under the permitted uses in subsection 134-1257(a)(2).
 - (12) Timesharing uses at a maximum of nine units per acre and hotels at a maximum of 26 units per acre.
 - (13) Roof-deck automobile parking.
 - (14) Nonprofit cultural centers.
 - (15) Veterinarian offices.

- (16) Outdoor seating in conjunction to permitted restaurants. See section 134-1260 for additional conditions.
 - (17) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
 - (18) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.
 - (19) Retail specialty foods, including incidental sale of prepared foods for takeout.
- (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.

DIVISION 12. C-B COMMERCIAL DISTRICT

Sec. 134-1302. Permitted uses.

- (a) Enumeration; maximum gross leasable area. The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.
- (b) The permitted uses in the C-B commercial district are as follows:
- (1) Business and professional offices/services and executive office suites, excluding veterinarians.
 - (2) Banks and financial institutions.
 - (3) Churches, synagogues or other houses of worship.
 - (4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
 - (5) Essential services.

Sec. 134-1304. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial district are as follows:
- (1) Public or private parking lots or storage garages.
 - (2) Auto rental lot.
 - (3) Supplemental parking.
 - (4) Public or private academic schools.
 - (5) Hotels at a maximum of 26 units per acre.
 - (6) Timesharing uses at a maximum of nine units per acre.
 - (7) Roof-deck automobile parking.
 - (8) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1302 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.
 - (9) Nonprofit cultural centers.
 - (10) Outdoor cafe seating for only hotels, condo-hotels, dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
 - (11) Condo-hotels at a maximum of 17 units per acre, in accordance with section 134-2110.
 - (12) Essential services related to town-owned municipal buildings and structures.
 - (13) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.

- (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.

WRB:JHD