

TO: Mayor Danielle Moore and Town Council Members, Margaret Zeidman, Chair
Gail Coniglio, Chair, Planning and Zoning Commission
Wayne Bergman, Director of Planning, Zoning & Building
James Murphy, Deputy Director of Planning, Zoning & Building
Jennifer Hofmeister, Planner III

FROM: Sean Suder, ZoneCo, Project Manager

DATE: August 21, 2023

RE: Town of Palm Beach Zoning Code Review - Module III – Residential Districts Study – North End
Interior Lots Zoning Study

The Interior Lateral Subdivisions of the North End

Cities and towns are the products of decisions made over time. In the case of the North End of Palm Beach, many of the decisions that shape current development patterns were made nearly a century ago. It is those decisions that must be fully understood to chart a regulatory course for the future of the North End.

As part of our in-depth analysis of the historic and existing development patterns of the North End, we reviewed historical records and documents, including plats, atlases, plans, and codes reaching back to 1907, along with existing data, to determine how the platting of Palm Beach led to the development patterns that define the look, feel, and quality of life in the North End. Additionally, we analyzed the North End’s public street network, specifically street widths, to determine if any patterns emerge that, coupled with lots sizes, may explain the disparate impacts of new residential construction on certain areas of the North End.¹

Subdividing the North End

The nearly three-mile long North End of Palm Beach was largely undeveloped in 1929 and mostly built out by 1960. This rapid transformation was not undertaken by a single land developer or even a handful of land developers, but by approximately 25 different developers representing individual landowners and companies, some with familiar names such as Phipps, Rafalsky, Walton, Gais, Boca Ratone Company, Inc., Palm Beach Company, and Onondaga Realty Corp. Over a 30-year period, the North End developers platted 36 subdivisions. Some of the subdivisions are as little as 250 feet wide with two rows of lots bisected by a single street.

¹ Historical documents were provided by the Town of Palm Beach and the Preservation Foundation of Palm Beach. Documents reviewed in preparation of this report include the following: Palm Beach Plat Map, December 1919; Insurance maps of Palm Beach, Florida, University of Florida Digital Libraries; *The Plan of Palm Beach (1929)*; *Landmark Manual*, Day, Jane S., et al., 2009; North End plat records; The Palm Beach Zoning Ordinance of 1929, 1961, and 1974.

Subdivision names are alluring like “Palm Beach Shores” and “Ocean Terrace,” are exotic sounding like “Palama Estates” and “Esplanade Estates,” and are utterly practical such as “List Addition” and “New Sears Tract.” Streets have Spanish, native, animal, plant, and oceanographic names, including names such as Manana, La Puebla, Onondaga, Dolphin, Orange Grove, and Reef. The approximately 1,143 lots platted to the west of Ocean Way and Ocean Drive and to the east of Lake Way are referred to as the “interior lots” as they are not oriented toward Lake Worth or the Atlantic Ocean. The interior lots are the primary focus of this report. We have also reviewed and assessed the historic and existing conditions of other areas of the North End, namely the lots west of Lake Way and east of Ocean Way/Ocean Drive, as the case may be.

As areas south of The Breakers property were developed, the land north of Wells Road to the Palm Beach Country Club became more valuable. The area north of the Palm Beach Country Club to Indian Road at the Palm Beach Inlet remained largely undeveloped but for an area of approximately 160 undeveloped lots at the very far north end with streets named Indian, Arabian, Caribbean, Mediterranean, Mariana, Debra, Laurie, Onondaga, and Esplanade. North-south connections were by way of the Lake Trail (planned in part for wheelchairs and in existence as of 1919) and eventually the north-south circulators Lake Way and Ocean Way and later Ocean Drive (as of 1919 only Ocean Drive and what was then County Road, now Ocean Way were constructed). These north-south arteries connected Mid-Town Palm Beach with the Palm Beach Country Club to the north and farther north to the Palm Beach Inlet. Many of the private properties were large, narrow estate tracts, many of which were approximately 250 feet wide by 1,500 long (approx. 8.60 acres). Most extended laterally from Lake Worth to the Atlantic Ocean (at its widest, the North End is 2,250 feet wide [approximately one-half mile], and at its narrowest is 1,650 feet wide [approximately one-third mile]).

The development of the North End was undertaken in a piecemeal manner, as one-by-one owners of east-west oriented tracts (approximately 45 tracts in 1919) sold to land developers. While the North End looks may appear to be a uniformity of north-south rectangular lots all the way up to the Palm Beach Inlet (only interrupted once by the preexisting Palm Beach County Club), upon closer inspection neither lot sizes nor street widths are uniform. The lot sizes and street widths appear to be products of the dimensions of the parent tract when considering north-south arteries Lake Way, Ocean Way (a non-contiguous north-south street), and Ocean Drive. The existence of these arteries creates opportunities for east-west lots of larger dimensions oriented toward the Atlantic on the east and Lake Worth on the west.

The approximately 70 east-west lateral streets connect the Lake and the Ocean and provide the network of vehicular access to and through the 36 lateral subdivisions of the North End. Subdivision development did not march north from Wells Road in a steady pattern, however. To the contrary, the first area of the North End platted was the far North End from Esplanade to the Palm Beach Inlet. This area was platted in the mid-to-late 1920's, contemporaneous with portions of historic Mid-Town. The median year of subdivision between Indian Road and Colonial Road was 1925, the median year of subdivision between Colonial Road and the Palm Beach Country Club was 1944, and the median year of subdivision between the Palm Beach Country Club and Wells Road was 1950 (three of the subdivisions in this southernmost area of the North End were platted more recently in 1988, 1990, and 1995). Even within these three

quadrants, there are subdivisions from every decade between the 1920's and 1960's. Although numerous North End subdivisions were platted in the 1920's, many lots remained undeveloped for decades following the failure of numerous Florida banks in 1926, a devastating hurricane in 1928, and the Great Depression that followed.

This piecemeal development was not due to a lack of planning. The North End was prominently featured in the Plan of Palm Beach of 1929, which recognized its undeveloped nature but recognized its potential by calling for new roadways and amenities such as a botanical garden and maritime museum. Selling lots evidently was more lucrative as neither of these ideas became reality; even the freshwater ponds that naturally existed in the North End were eventually filled and developed for housing.

The North End Lots

The subdivisions of the North End are often characterized as 10,000 square foot lots with one-story ranchettes built in the 1950's. While single-family housing development boomed in the North End following the Great Depression and World War II², primarily in the 1950's, an era where the trends favored one-story ranches with central air conditioning on quarter-acre lots, subdivisions were not uniformly developed. Approximately 42% of subdivision plats included residential building lines, 17% included rear setbacks, and 14% included side setbacks. The most common platted front yard setback is 25 feet, most common side yard setback is 15 feet, and most common rear yard setback is five feet.

All subdivisions that were developed prior to 1961 were governed by the Town's 1929 zoning code. That very basic first zoning code required a 25-foot minimum front yard setback for lots over 100 ft. deep and a 10-foot minimum setback for lots under 100 feet in depth, a minimum rear yard setback of two-and-one-half feet, and a minimum side yard setback of three feet. Building height, lot area, lot dimensions, or lot coverage were regulated in the original Palm Beach zoning code. By 1961, the zoning code was updated to include a 10,000 square foot minimum lot area, minimum lot dimensions of 75 feet of depth and 100 feet of width, and a maximum height of the lesser of one-and-one-half stories or 25 feet. In 1974, lot coverage maximums, two-story or 25-foot-high residences were allowed, and side yard setbacks were increased to 10 feet each.

One subdivision plat in the far North End, Esplanade Estates (1925), includes maximum residence areas of 2,000 square feet. The lots of Esplanade Estates are approximately equal to the median for the North End, 11,500 square feet, but the street widths are among the narrowest in Palm Beach at 20 feet. The median size residence in the far North End is approximately 3,700 square feet on a median lot area of 9,750 square feet, below the average North End lot size of 12,536 square feet.

Other North End subdivisions of the same year include much larger maximum residences area, including 6,440 square feet in the Bella Lido subdivision (1925), 7,350 square feet in the Alta Lido subdivision (1925), and 6,550 square feet in the El Encanto subdivision (1925).

² "Palm Beach did flourish after World War II and housing styles again changes. Many of the large estates of the 1920's were torn down and subdivision to make room for a more casual life style and new development." *Town of Palm Beach, Florida 2010 Historic Sites Survey*, Research Atlantica, Inc., December 2010 at p. 18.

On average, platted lots in the Interior North End were 126.50 feet deep by 99.1 feet wide, with the most platted lots being 100 feet x 100 feet, or 10,000 square feet in area. The largest platted lot in the North End is 21,760 square feet in the Kawama Lane subdivision (1961). The smallest platted lot is 1,880 square feet in the Palm Beach Shores subdivision (1935) (the Palm Beach Shores Subdivision includes Queens Road and curiously did not develop for such small lots³).

Today, North End lot widths and depths generally fall within three categories:

1. Greater than 125 ft;
2. Between 100-125 ft.;
3. Under 100 ft.

North End Streets

East-West Laterals

Platted street widths of the interior streets in the North End range from 16 feet (Laurian) to 46 feet (Tangier). It appears that as-built conditions vary, as Tangier is now a more common 30-foot wide. The most platted street width in the North End is 30 feet (e.g. Reef), with an average platted street width of 27.5 feet; the average being decreased by approximately 13 streets platted with 20-foot widths (e.g. Monterrey).

No public street in the North End was platted to include a sidewalk. Public sidewalks stop at Wells Road.

North-South Streets

In addition to a few small residential lanes, there are three primary north-south streets in the North End: (i) Ocean Boulevard; (ii) Ocean Way; and (iii) Lake Way. Ocean Boulevard and Lake Way form a north-south circulator. Ocean Way is a non-contiguous north-south road that creates a transition development pattern between the interior laterals and the ocean-oriented homes of Ocean Boulevard.

Ocean Boulevard (f/k/a North County Road) is a two-lane road platted at 40 feet wide. Both Lake Way and Ocean Way (f/k/a County Road) are two-lane road portions of which were platted at 20 feet wide and portions at 30 feet wide.

³ "Building activity picked up in Palm Beach as the 1930s wore on. By 1937 the press was reporting that 'Resort Building Activities Already Top 1936 Record in Construction of 66 Homes.' Development was still driven by a handful of builders such as E.B. Walton and Arnold Construction Company. Even the well-known architects like Volk, Fatio, and Wyeth often designed houses on speculation. The press also reported the 'general tendency towards the smaller, simpler homes,' and noted that building centered toward the Inlet Subdivision, Pendleton Avenue, Coconut Grove and North Lake Trail. Housing styles changed as well. The large Mediterranean houses of the 1920s, gave way to British Colonial, Bermuda, Georgian and Monterey styles. Dining rooms became smaller as the buffet replaced the large dinner party. Servants areas were reduced and the garage became an important and necessary feature of every home." *Town of Palm Beach, Florida 2010 Historic Sites Survey*, Research Atlantica, Inc., December 2010 at p. 15.

Informing Zoning Code Review

The North is a result of platting without a master plan. The North End was platted in a piecemeal manner over a 40-year period (with very few guardrails) that was mostly based on how many lots could be squeezed out of a parent tract. The result is a lack of uniformity of just about anything, which is what people like about Palm Beach, but it is a double edge sword, and it makes it a ripe environment for variances and nonconformities. Alas, we already know this, but with every turn this reality is reinforced.

Numerous North End residents have expressed frustration with the size of newly constructed homes often replacing smaller, ranch-style homes. These concerns are focused on the ever-increasing scale, bulk, and massing of these new residences. We understand the design principles and development standards that create the more massive and bulkier houses that appear and feel out of scale with existing residences. These standards include setbacks, height measurements and limits, second-story step backs, lot coverage maximums, and three-dimensional volumetric standards such as the bespoke CCR (cubic content ratio) and the more commonly applied FAR (floor area ratio). And there can be endless debate on which and what standards most effectively address residents' concerns. It will ultimately be important for the Town Council to decide which standards and to what extent they be applied to address residents' concerns while also maintaining valuable property rights; however, "too large houses" cannot tell the whole story or explain why large houses are more acceptable in some parts of Palm Beach and less acceptable in others.

One-size-fits-all standards that apply equally to a residence on a 20-foot-wide street and a 30-foot-wide street are not calibrated to address this significant difference. A narrower street will by its definition feel less spacious and more confined than a wider, more open street. Add in front-yard hedges and two-story houses, and a 20-foot-wide street will feel even more confined. An extra 10 feet of street width found in 30-foot wide streets could very well mitigate against some of the feelings of overcrowding of similar size new construction that may seem more tolerable in other parts of the North End or other areas of Palm Beach. For example, Mid-Town has wider rights-of-ways due to the existence of sidewalks on both sides of the street, but even with higher density it feels more spacious than many parts of the North End.

The public realm plays an important role in the development patterns of the private realm. A traditional American street grid is going to result in different development patterns than a radial street pattern. (See e.g., New York City and Washington, D.C., respectively). A curvilinear street pattern will result in yet another pattern as will the suburban cul-de-sac street pattern. In Palm Beach, the development patterns have been informed as much by the street networks than by anything. A generally accepted height width to street width ratio is 1:1; meaning if a street is 20 feet wide then the building height should be no greater than 20 feet. The width of North End streets are generally 20 feet and 30 feet wide. Applying a 1:1 building height to street width ratio would dictate that a building on a 20-foot-wide street should be no higher than 20 feet and a building on a 30-foot-wide street should be no higher than 30 feet at its highest point (excluding chimneys and other unfinished cupolas and architectural protrusions).

While some are sounding alarm bells about the size of houses in the Mid-Town, in particular the Sea Streets (which are also zoned R-B and are more akin to far north end lot sizes), the frustrations of the far North End residents seem to be much more pronounced than anywhere else in Town. The reason appears to be that the same zoning standards apply to smaller lots on narrower streets as those on larger lots on wider streets. This does not make sense. As first identified in the Diagnostic Report, the problem is one-size-fits-all Euclidean zoning. The North End requires a more nuanced approach that respects historical and existing development patterns specifically calibrated to street widths, lot sizes, setbacks, and open space.

Upon review of the data to determine whether there is any meaningful correlation between lot size and street width, there is no meaningful correlation. There are some instances of smaller lots on narrower streets, but there are many more instances of larger lots on narrow streets and smaller lots on wider streets. Because there are so many iterations of lot area and street width in the North End, we have run numerous scenarios to determine how lots are and street width affects the gross floor area of houses and floor area ratios.

Based on these scenarios, we have determined that three variables impact the impact of the scale of new residences more than any others: street width; front and side yard setbacks; and building height.

Street width coupled with front yard setbacks determines the distance between the front façade of opposite facing houses on a street. For example, a 20-foot street width coupled with 20-foot front yard setbacks results in a 60-foot distance between opposite-facing houses on a street. While that distance may be effective for a one-story house, if one or both of the houses are two-story and approximately 30 feet high, a 60-foot distance will feel even smaller. Adding 10 feet to both front yard setbacks and street width, yields 30 additional feet of space, for a total of 90 feet, between opposite-facing houses on a street. In this instance, a two-story, approximately 30-foot high house will appear far less imposing than it would with 30-feet less space. (For reference, 60 feet is the distance between home plate and the pitcher's mound, and 90 feet is the distance between third base and home plate on a baseball field).

Currently, a 30-foot house could be constructed 25 feet from the front lot line on a 20-foot street. This allows for only 65 feet of space between the opposite-facing houses. Even on 30-foot-wide streets, two-story houses are only 80 feet apart.

Increasing front yard setbacks on narrower streets will increase the distance between opposite-facing houses. Allowing houses to be only as tall as the street width allows for a comfortable one-to-one ratio. All of these measures will allow for more context-sensitive development in the North End.

In the coming months, we will be making recommendations on an approach to consider for the R-B districts of the North End. We look forward to your comments and continued discussion.

Thank you,

ZoneCo Palm Beach Team

The North End Lateral Subdivisions by the Numbers

North End Inland Lateral Subdivisions Study Area:

Wells Road to the South and Indian Road to the North *(does not include lots located on Lake Way, Ocean Way, or Ocean Blvd., which will be studied separately)*

Distance: Approx. 2.80 miles

Greatest Width: 2,250 ft. (~ ½ mile)

Smallest Width: 1,650 ft. (~ 1/3 mile)

Total Number of Inland Lots (Between Lake Way and Ocean Way/Ocean Drive):

1,153

Year Platted:

Median: 1943

Most Common: 1925

Earliest: 1924

Latest: 1995

Streets (as platted):

Smallest 16 ft. (Laurian)

Largest 46 ft. (Tangier)

Average 27.5

Generally: 20 & 30 ft. wide streets

Lot Area (as platted):

Average: 12,536 s.f.

Median: 11,500 s.f.

Lot Depth (as platted):

Average: 126.50 ft.

Most Common: 100 ft.

Lot Width (as platted):

Average: 99.1 ft.

Most Common: 100 ft.

Front Building Line Setback (as platted; 42% of plats include):

Average: 26.2 ft.

Most Common: 25 ft.

Rear Building Line Setback (as platted; 17% of plats include):

Average: 5.40 ft.

Most Common: 5 ft.

Side Building Line Setback (as platted; 14% of plats include):

Average: 14 ft.

Most Common: 15 ft.

Detailed Study of the Far North End 1920's Subdivisions:

Streets: Indian, Arabian, Caribbean, Mediterranean, Mariana, Debra, Laurie, Onondaga, Esplanade

Platted: 1924; oldest median plat in North End; North of CC 1944; South of CC 1950

Total No. of Lots (as platted): 160

Street Width (as platted):

Average: 27.5 ft.

Most Narrow, 20 ft.: Mariana, Debra (portions), Laurie, Onondaga, Esplanade

Average Lot Dimensions: 90 ft. w x 114 ft. d

Median Lot Area: 9,750 s.f. (below North End average of 12,536 s.f.)

Building Line Dimensions:

Only Onondaga has them; FSB, 30 ft.; RSB, 10 ft.; SSB, 10 ft.

Building Dimensions (as built per Auditor's records):

Average: 4,022 s.f.

Median: 3,697 s.f.

Indian Average: 6,364 s.f.

Arabian Average: 5,357 s.f.

Caribbean Average: 3,936 s.f.

Mediterranean Average: 3,081 s.f.

Mariana Average: 3,959 s.f.

Debra Average: 2,593 s.f.

Laurie Average: 3,430 s.f.

Onondaga Average: 3,458 s.f.

Disclaimer

Nothing contained in this email shall be deemed or considered to be legal advice. Although some ZoneCo professionals are also attorneys who may be separately engaged to provide legal representation in states where we are licensed to practice law, ZoneCo is not a law firm. ZoneCo professionals do not provide legal representation or services and are not engaged in the practice of law in any jurisdiction. Engaging ZoneCo does not form an attorney-client relationship and, as such, the protections of the attorney-client relationship do not apply. If you wish to create an attorney-client relationship, you are encouraged to contact an attorney of your choosing.