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FROM: Sean Suder, ZoneCo, Project Manager

DATE: August 21, 2023

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

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## The Palm Beach Residence Districts

In preparation for codifying updated residence districts, we studied the existing residence districts, their origins, and their distinctions. The results of our study and analysis are set forth in this memorandum. Additionally, we performed a deep dive analysis of the North End neighborhood zoning and the Sea Streets, which will be discussed in separate memoranda.

### The Current Residence Districts

There are six residential districts in the current Zoning Code. The districts are distinguished by intensity of development and use. The districts can be grouped in pairs of like districts: estate districts (R-AA and R-A); low-to-medium density districts (R-B and R-C); and moderate-to-high density districts (R-D(1) and R-D(2)). The districts as follows:

District	Name
R-AA	Large Estate Residential District
R-A	Estate Residential District
R-B	Low-Density Residential District
R-C	Medium-Density Residential District
R-D(1)	Moderate Density Residential District
R-D(2)	High Density Residential District

### Origins of the Residence Districts

The 1929 Zoning Ordinance, “Zoning Ordinance Number One,” included three residence districts: “A,” “B,” and “C.” The 1929 ordinance is where the use of letters to distinguish between districts was established. This was a customary practice of the day and derived from New York City’s code and model ordinances prepared by the U.S. Department of Commerce.

Residence District “C” was the most permissive of the residence districts and comprised the smallest area of the Town. At that time, all of the North End was zoned Residence “A.” Peculiarly, although the 1929

ordinance includes regulations for Residence “B,” there is no reference to Residence “B” being mapped anywhere in Palm Beach.

Zoning Ordinance Number One was updated in 1961. There remained only three residence districts in the 1961 ordinance. Interestingly, that ordinance included only Residence Districts “A,” “C,” and “D.” While the reason for this is not documented to our knowledge, this is likely because Residence District “B” was included in the 1929 ordinance but never mapped so there was no need to carry it forward in the updated ordinance. Standards for minimum lot dimensions and lot area were introduced in the 1961 ordinance.

In 1974, the previous zoning ordinance was completely overhauled and serves as the foundation for the existing ordinance. The 1974 ordinance pays little homage to the prior ordinances. The 1974 ordinance included six residence zoning districts that mirror the current district names (although the R-AA district is not included in the original ordinance it appears to have been added shortly after the ordinance was adopted). The concepts of lot coverage and density (units/acre) were introduced in this ordinance. Additionally, conditional uses were renamed “special exceptions.”

## Residence Districts Distinctions

Of the pairs of residence districts, the distinctions between the R-AA and R-A are relatively minimum, the RD(1) and RD(2) districts have the fewest distinctions, and the R-B and R-C districts are the most distinct.

### R-AA vs. R-A

Other than the name and purpose, the primary differences between the R-AA and R-A districts are as follows:

- Executive retreats are specifically prohibited in the R-AA district and not expressly prohibited in the R-A district.
- Essential services west of Lake Trail are not allowed as special exceptions in the R-AA district but are allowed as special exceptions in the R-A district.
- Dish antennas may not exceed three meters in diameter in the R-AA district vs. two meters in diameter in the R-A district and may not exceed 12 feet in height above the average grade in the R-AA district versus eight feet in the R-A district whether attached or unattached to a building.
- The minimum lot size in the R-AA district is 60,000 square feet vs. 20,000 square feet in the R-A district. The R-AA district provides an exception to allow two or more lots of 40,000 square feet each to be developed if the average lot area of all lots to be developed is not less than 60,000 square feet.
- The minimum lot width in the R-AA district is 150 feet versus 125 feet in the R-A district.
- The maximum density in the R-AA district is one dwelling unit per 1.50 acres and is two dwelling units per acre in the R-A district.
- The minimum side yard setback is 30 feet in the R-AA district and 15 feet in the R-A district, except on R-A lots of 60,000 square feet or more, which is treated like the R-AA district.
- The maximum building height is 30 feet in the R-AA district and 25 feet in the R-A district.
- The minimum landscaped open space is 55% in the R-AA district and 50% in the R-A district.

- First-floor front entry ramps in the R-AA district are allowed to extend up to six feet into the required front street side and street rear yard setbacks whereas they are not allowed to so extend in the R-A district.

### R-B vs. R-C

Other than the name and purpose, the primary differences between the R-B and R-C districts are as follows:

- Two-family dwellings, townhouses, and multi-family dwellings (with site plan) are permitted in the R-C district and not in the R-B district. Therefore, there are standards for these uses in the R-C district that are not included in the R-B district.
- The R-C district does not allow off-street parking for clubs or accessory uses associated with the Town's municipal recreation facilities as does the R-B district.
- PUD-2 and PUD-3 zones are allowed as a special exception in the R-C district but not in the R-B district.
- Essential services west of the Lake Trail are not allowed as special exceptions in the R-C district but are allowed as special exceptions in the R-B district.
- Either public or private schools, but not both, are allowed as a special exception in the R-C district whereas both uses are allowed as special exceptions in the R-B district.
- Supplemental parking is permitted in the R-C district but not the R-B district.
- Roof deck automobile parking is permitted in the R-C district but not the R-B district.
- Group homes and foster care facilities are allowed as special exceptions without limitation to six occupants as they are so limited in the R-B district.
- The maximum height of all accessory structures in the R-C is two stories and 25 feet, whereas in the R-B district accessory structures may only be one story and 15 feet high for lots of 20,000 square feet or less. The R-B district allows up to two accessory structures on lots of 20,000 square feet or less whereas the R-C district allows only one.
- For corner and through lots in the R-C district enclosed accessory structures are allowed to encroach by an amount of 20 feet into the required side yard whereas they are not allowed to do so in the R-B district.
- In the R-C district, an accessory structure may encroach into a required front yard by an amount of 25 feet, which is not allowed in the R-B district.
- In the R-C district, an enclosed accessory building with living space other than a kitchen is not permitted but is permitted in the R-B district.
- Dish antennas may not exceed three meters in diameter in the R-C district vs. two meters in diameter in the R-B district, may not exceed 12 feet in height above the average grade in the R-C district vs. eight feet in the R-B district whether attached or unattached to a building.
- The R-B district contains standards specific to the Sea Streets.
- The R-C district permits a 75-foot-wide lot for single-family uses whereas the R-B district has a minimum lots width of 100 feet.
- The minimum front yard setback for a single-family use in the R-C district is 25 feet for all floors, whereas in the R-B district has different setbacks for first and second floors.
- The R-C district does not include angle of vision requirements.

- The side yard setback for single-family uses in the R-C is a uniform 10 feet whereas different side yard setbacks are applied to the first and second story in the R-B district.
- The rear yard setback for single-family uses in the R-C is a uniform 15 feet whereas different rear yard setbacks are applied to the first and second story in the R-B district.
- Building height in the R-C district is uniform at 23.5 feet for single-family uses whereas height in the R-B district is a complex calculation.
- Maximum lot coverage is 30% in the R-C district versus 40% in the R-B district.
- The R-C district does not include a cubic content ratio calculation, nor does it include an existing building lots provision.
- The R-C district has significantly different and more permissive exceptions to yard regulations than the R-B district.
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### **R-D(1) vs. R-D(2)**

Other than the name and purpose, the primary differences between the R-D(1) and R-D(2) districts are as follows:

- The R-D(2) district allows hotels, condo hotels, and time-sharing uses and their accessory uses.
- In the RD-2 district, a four-story building may have a lot coverage of not more than 25% as opposed to 27% in the RD-1 district, and a five-story building may have lot coverage not more than 20% as opposed to 22% in the RD-1 district.

The purpose of this memorandum is to provide information and is not intended to draw conclusions or recommendations. This information is useful as we continue our study and prepare to make recommendations for updates to the Town's residence districts.

Thank you,

The ZoneCo Palm Beach Team

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