

1951

## Index to Zoning Ordinance, No. 1-47

Town of Palm Beach, Florida

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ZONING ORDINANCE No. 1 - 47.

Revised to December 1st, 1951

*Palm Beach, Florida*

# INDEX TO ZONING ORDINANCE No. 1-47

Revised

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## INTRODUCTION

This booklet contains the zoning laws of the Town of Palm Beach, Florida, revised to December 1st, 1951. The zoning map attached to the back of this booklet is a facsimile reproduction of the zoning map referred to in and made a part of Zoning Ordinance #1-47.

Zoning Ordinance #1-47 has been amended since its adoption. There is a notation following each section if it is an amendment to Zoning Ordinance #1-47, otherwise it is the original ordinance provision. Some property within the Town has been rezoned or reclassified since the adoption of the zoning map. Such reclassified property may be identified by the Town Clerk from his original records.

E. HARRIS DREW,  
*Town Attorney.*

## ZONING ORDINANCE No. 1 - 47.

An Ordinance to Promote the Health, Safety, Morals and General Welfare of the Inhabitants of the Town of Palm Beach, Florida; to Facilitate the Adequate Provision of Transportation, Sewerage, Water, Schools, Parks and Other Public Requirements; to Regulate and Restrict the Location and Use of Buildings, Structures, Land and Water for Trade, Industry, Residence or Other Purpose; to Regulate and Restrict the Erection, Construction, Reconstruction or Alteration of Buildings; to Regulate and Restrict the Height, Number of Stories, and Size of All Buildings and Structures, and the Size of All Yards and Other Open Spaces Surrounding Buildings; to Regulate and Restrict the Density of Population, and for All Said Purposes to Divide the Town into Districts of Such Number, Shape and Area As May Be Best Suited to Carry Out These Regulations and Amendments; to Provide for Its Enforcement; Providing for Special Exceptions in Event of Hardship, and Providing Penalties for the Violation Hereof.

### PREAMBLE.

WHEREAS, pursuant to the provisions of Chapter 13232, Laws of Florida, 1927, and amendments thereto, the Town Council of the Town of Palm Beach did, during the month of March, 1929, adopt a comprehensive Town Plan and Zoning Ordinance; and,

WHEREAS, since the date thereof, said ordinance and amendments thereto have been, and are now, in full force and effect, and by virtue of said ordinances, the Town of Palm Beach and all of the territory within its limits have been comprehensively zoned; and,

WHEREAS, in the approximate seventeen years that have elapsed since said time there have been no comprehensive changes in the original plan and in the original ordinance, although since then the Town has passed through a national depression, local

real estate boom and depression, several major hurricanes, a world war, and has witnessed great and radical changes and social, economic and technological developments, making it desirable and necessary to thoroughly and completely reconsider the entire zoning problem of the Town of Palm Beach; and,

WHEREAS, in the month of March, 1946, the Council adopted a resolution with reference to the matter and found that an intelligent disposition of the problem required careful, mature and deliberate consideration, extending over a sufficient period of time to formulate and develop a satisfactory plan; and,

WHEREAS, in accordance with said resolution aforesaid, and subsequent instructions from and action of the governing body of this municipality, the Town of Palm Beach, in the summer of 1946, employed an expert in the field of zoning and city planning, to study said problems and make recommendations with reference thereto; and,

WHEREAS, pursuant to the provisions of Chapter 176, Florida Statutes, 1941, the Town Council did, by resolution, duly appoint the then Zoning Commission of the Town of Palm Beach to conduct public hearings jointly with the said City Planner; and,

WHEREAS, clinics were duly held in the Town Hall, affording interested property owners an opportunity to discuss any problems arising out of zoning or planning with the said City Planner; and,

WHEREAS, after public notice was duly given in news articles and by legal advertisements in the local newspapers, a public hearing was had upon said problems on the 29th day of January, 1947, at the Paramount Theatre in the Town of Palm Beach, Florida, which said meeting was attended by the Zoning Commission, the City Planner, the Town officials and some 450 interested citizens, as will more fully appear by the reporter's transcript of said meeting and the events which transpired thereat, which are on file in the office of the clerk of the Town of Palm Beach; and,

WHEREAS, subsequent thereto the City Planner and the Zoning Commission filed with the Town Clerk their preliminary ordinance plan and recommendations, which were open to the inspec-

tion of the public for some ten days prior to the date of a duly advertised public hearing in the local newspapers, held in the Council Chambers of the Town of Palm Beach on March 4, 1947, which meeting was largely attended by citizens and others, as will more fully appear by the reporter's transcript of said meeting showing the events which transpired thereat, which is on file in the office of the Clerk of the Town of Palm Beach; and,

WHEREAS, the Zoning Commission and the City Planner did thereafter, and on, to-wit, the 12th day of March, 1947, file with the Town Clerk its final report and final recommendations and a final draft of a proposed comprehensive zoning ordinance; and,

WHEREAS, said documents listed in the preceding paragraph were open to the inspection of the public at all times subsequent thereto and to the date hereof; and,

WHEREAS, notice of a public hearing before the Town Council on said final plan has been duly given as required by Section 176, Florida Statutes Annotated, 1941, by legal advertisement in the local newspapers; and,

WHEREAS, said public hearing was duly held as will be revealed by the reporter's transcript of the events which occurred thereat, which are on file with the Town Clerk of the Town of Palm Beach; and,

WHEREAS, the Mayor and Town Council have given due, deliberate and careful consideration to the problems now before it, the final recommendations, plan and ordinance of the Zoning Commission, and the opinions expressed at the public meetings aforesaid; and,

WHEREAS, the owners of about seventy-five per cent (75%) of the ocean front property in Royal Park south of the Mesker property, and the owner of ocean front lands in Villa Marine south of Werts, have filed requests to change the classification thereof from Residence "A" to "C," because of, among other things, the existence of the public bathing beach across the street therefrom, and have strenuously urged their position before the Zoning Commission and the Mayor and Town Council; and,



WHEREAS, the Zoning Commission by a three to four vote, recommended against granting said applications; and,

WHEREAS, it is the unanimous opinion and judgment of the Mayor and Town Council that said lands are not suitable for one family residence purposes and that to so classify said lands would be arbitrary and unreasonable; and,

WHEREAS, it having been made to appear to the Mayor and Town Council that, because of the narrowness of the island which is Palm Beach, its character as a resort community and problems which will inevitably arise in the future if tall residence buildings are permitted, it is the unanimous opinion and judgment of the Mayor and Town Council that no residence buildings should be built in said Town (except on ocean to lake plots in one ownership) above three stories; and,

WHEREAS, limiting the height of buildings to three stories and providing for adequate set back lines will obviate the necessity of minimum land area units for apartments and hotels and effectually prevent the undue concentration and density of population and attendant health and traffic problems; now, therefore, it is thereupon

ORDAINED BY THE MAYOR AND TOWN COUNCIL,  
OF THE TOWN OF PALM BEACH, FLORIDA:

DEFINITIONS.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the words "used for" shall include the meaning "designed for"; the word "structure" shall include the word "building," and the word "lot" shall include the words "plot" and "tract," and the word "shall" is mandatory and not directory; said definitions being as follows:

ACCESSORY BUILDING. A subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building.

ALLEY. A roadway which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

APARTMENT HOUSE. Dwelling, Multiple.

BASEMENT. A story partly underground and having at least one-half ( $1/2$ ) of its height above the average level of the adjoining ground. Basement shall not be considered a story with regard to the height regulations hereafter mentioned, if the same does not exceed eight feet (8') in height above the average level of the adjoining ground and if designed for and adapted to and used solely for the purpose of auto storage, furnace and other utility purposes for the main building. No entrances to said basement shall be on the street side and the exterior appearance of such basement shall conform to the general architecture of the building.

BOARDING HOUSE. A building other than a hotel, where lodging or meals or both are served for compensation.

BUILDING. See Structure.

BUILDING, HEIGHT OF. The vertical distance measured from the mean grade to the ceiling height of the top story. The

height of a wall is the vertical distance from the mean grade to the mean level of the top of the wall, including any dormers or gables on the wall.

COURT. A court is an open, unoccupied space on the same lot, and fully enclosed on at least three adjacent sides by walls of the building. An outer court is any court facing for its full required width on a street, or on any other required open space not a court. An inner court is any other required court.

DWELLING, SINGLE FAMILY. A detached building designed for, or occupied exclusively by one family.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for or occupied exclusively by, two families independently of each other.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three or more families living independently of each other.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuel, oils, or accessories.

FRONTAGE. All the property on one side of a street or place between two intersecting streets or places measured along the line of the street or place, or if the street or place is dead ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

GARAGE, PRIVATE. A building or space used as an accessory to or a part of a main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

GARAGE, PUBLIC. Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, and accessories sold.

GARAGE, STORAGE. Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

GUEST HOUSE (TOURIST HOME). Any dwelling in which rooms are rented for guests and for lodging of transients and travelers for compensation.

HOTEL. A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten or more rooms are furnished for the accommodation of such guests; and having or not having one or more dining rooms, restaurants or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms, restaurants or cafes, if existing, being conducted in the same building or buildings in connection therewith.

LODGING (ROOMING HOUSE). A building where lodging only is provided for compensation to three or more, but not exceeding ten permanent guests or tenants.

LOT. A parcel of land occupied or intended for occupancy by a building together with its accessory buildings; including the open space required under this ordinance. For the purpose of this ordinance the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH. The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot.

LOT THROUGH. An interior lot having frontage on two streets, other than a corner lot.

NON-CONFORMING USE. A use that does not conform with the regulations of the use district in which it is situated.

PARKING LOT. An area or plot of land used for the storage or parking of motor vehicles.

SERVICE STATION. A building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar services are rendered.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of building the height of basement shall not be included if used for the purpose mentioned in the preceding definition of Basement.

STORY, HALF. A story under a gabled, hipped or gambrel roof the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the finished floor of such story.

STREET LINE. The line between the street and abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land.

STRUCTURAL ALTERATIONS. Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

TOURIST HOME. See Guest House.

YARD. An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as other wise provided herein.

**YARD, FRONT.** A yard across the full width of the lot, extending from the front line of the building, including porches, to the front line of the lot.

**YARD, SIDE.** An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

**YARD, REAR.** A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

## SECTION I.

### Districts and Boundaries Thereof.

A. In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot area; to regulate and determine the areas of open spaces within and surrounding buildings; to classify, regulate and restrict the location of trades and industries; and the location of buildings designed for specified industrial, business, residential and other uses, the Town of Palm Beach, Florida, is hereby divided into districts of which there shall be four (4) known as:

RESIDENCE DISTRICT "A"  
RESIDENCE DISTRICT "C"  
BUSINESS DISTRICT  
BEACH DISTRICT

The boundaries of the districts are shown upon the map accompanying this ordinance and made a part thereof, and entitled "Zoning Map of the Town of Palm Beach, Florida," which said original map bears the following legend:

"Adopted March 31, 1947, as a part of Zoning Ordinance #1 — 47."

Following this legend appears the original signatures of the members of the Council signing this ordinance, the signatures of the Mayor and the Town Clerk, and the corporate seal of the municipality. The Zoning Map and all the notations, references, and other information shown thereon are a part of this ordinance as

if such information set forth on the map were all fully described and set out herein. This Zoning Map properly attested, shall remain at all times on file in the office of the Town Clark.

B. In the creation, by this ordinance, of the respective districts, the Town Council has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the Town.

C. The boundaries of such districts as are shown upon the map adopted by this ordinance or any subsequent amendment thereto, are hereby adopted and approved, and the regulations of this ordinance governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map.

D. Where uncertainty exists as to boundaries of any district shown on said map the following rules shall apply:

1. Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.

2. In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

3. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

4. Where a District boundary line divides a lot in a single ownership at the time of the passage of this ordinance, the Town Council may, in its discretion, permit a use authorized in either portion of such lot to extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district in which such use is authorized.

## SECTION II.

### Except As Hereinafter Provided.

1. No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations established by this ordinance for the district in which the building or land is located.

2. The minimum yards and other open spaces, including the intensity of use provisions contained in this ordinance for each and every building hereafter erected, reconstructed or structurally altered, shall not be encroached upon or considered as a compliance with yard or open space requirements or intensity of use requirements for any other building or adjoining building.

3. Every building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting on either a private or public street.

## SECTION III.

### Residence District "A."

A. *Uses Permitted shall be only the following:*

1. Dwellings for occupancy by one family only.
2. Public libraries, underground storage tanks with connected pumps and accessories for public water utilities, court houses, fire houses and police stations.
3. Private nurseries or greenhouses.
4. Churches.
5. Municipally owned or operated parks and playgrounds.
6. Accessory buildings and uses customarily incident to the above uses, not involving the conduct of a business.

B. *Building Height Limit.*

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.



C. *Building Site Area Required.*

The minimum building site area shall be one lot or a parcel of land ten thousand (10,000) square feet in area for each one (single) family dwelling.

D. *Front Yard Required.*

1. There shall be a front yard not less than twenty-five (25) feet in depth. Where lots comprising twenty-five per cent (25%) or more of the frontage on the same street between two street intersections are developed with buildings having a variation in front yard depths of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established.

E. *Side Yard Required.*

1. The aggregate of the side yards of a building shall have a width of not less than twenty per cent (20%) of the average width of the lot but such side yard need not exceed twenty (20) feet. Side yards need not be the same on each side of the building but no side yard shall be less than five (5) feet, and no building shall be built nearer than twenty (20) feet from any other building.

2. The side yard on each side of a building on a lot having a width of fifty (50) feet or less, where a special exception may be hereafter granted, shall have a width of not less than five (5) feet.

3. Where any lot is located on any street intersection, or where two or more street lines outline any lot, or where any lot is located upon any corner, each side of the lot facing a street shall, for the purpose of determining set backs, be deemed to be the front of said lot. Provided, however, that this provision shall never be construed to require any building to be set back along any street a further distance than the average set backs along said street as provided in Paragraph D of this section.

F. *Rear Yard Required.*

1. There shall be a rear yard having a depth of not less than five (5) feet.

G. *Walls, Fences, Hedges.*

1. All walls, fences or hedges outside of building lines of the property shall not be over four (4) feet in height from the

front street line back to the building line, and not more than six (6) feet in height from the building line to the rear easement line (but not less than two and one-half (2½) feet from the rear line), and no such wall, fence or hedge or other similar growth shall be constructed or grown over such rear set back line; and provided, further, that in the event a wall, fence or hedge is erected or grown on a corner lot, it shall not exceed four (4) feet in height, where the same is substantially parallel to any public street or highway.

#### H. *Additional Provisions.*

1. Any private school now being conducted on lands within the Town of Palm Beach, Florida, classified as Residence District "A" may expand their facilities or operations on lands owned by them on June 11, 1946, lying east of the east edge of the ridge along Lake Worth, and then only after submitting the plans therefor to the Building Inspector and Town Council of the Town of Palm Beach and securing their approval of the same.

2. Nothing herein contained shall be deemed to prohibit the construction of an accessory building containing bedrooms with bath facilities, to be used in connection with and as a part of the main residence, and to be constructed within the building lines. Such accessory building shall be used only for occupancy of the legitimate nonpaying guests of the owners of the main residence, or *bona fide* members of the family or servants, and no kitchen or cooking facilities shall be constructed or used therein.

3. No person shall use any portion of any building in Residence District "A" for the purpose of carrying on or practicing any profession, occupation or calling, and such use is hereby declared to be a violation of the provisions of this ordinance.

4. *Golf Courses.* Golf courses in existence on the date of the passage of this ordinance and located in Residence District "A" may continue to be used as such under the provisions of Section VIII hereof, provided, however, that any club house, caddy house or other structure used in connection with and as a part of and appurtenant to the operation or maintenance of such golf course may be altered, repaired or enlarged from time to time as shall be necessary to the effective operation and maintenance of such golf course.

## SECTION IV.

## Residence "C" District.

A. *Uses Permitted shall be only the following:*

1. Any use permitted in the Residence "A" District.
2. Boarding houses, apartment houses and hotels (without shop fronts or stores facing on any street or thoroughfare).
3. Schools—Public, Private or Boarding.
4. Clubs for social, recreational, fraternal and benevolent purposes.
5. Guest houses, tourist homes.
6. Accessory buildings and uses customarily incident to any of the above uses including private garages, for motor vehicles when located on the same lot and not involving the conduct of a business.

B. *Building Height Limit.*

1. For Single Family dwellings the height shall not exceed two and one-half ( $2\frac{1}{2}$ ) stories or thirty-five (35) feet.
2. Apartments and hotels shall not exceed three (3) stories or forty (40) feet in height (whichever shall be the least).
3. Buildings to the height of eight (8) stories may be erected on lands classified as Residence District "C" where the land is in one ownership, constitutes and is developed as one integral parcel, and extends from the Atlantic Ocean to Lake Worth; provided, however, that such buildings shall be set back forty (40) feet from the right of way of any public highway or highways and from the side lines of said parcel a distance equal to at least one-half of the height of the building, and shall not be closer to any other building than one-half ( $\frac{1}{2}$ ) the height thereof. The side lines as herein used shall be deemed to mean the north and south sides of said property.

C. *Front Yard Required.*

1. There shall be a front yard not less than twenty-five (25) feet in depth. On corner lots both sides of the lots facing the street shall be deemed front yards.

D. *Side Yard Required.*

1. There shall be side yards not less than ten (10) feet.

E. *Rear Yard Required.*

There shall be a rear yard of at least ten (10) feet.

F. *Building Site Area.*

Every Single Family dwelling hereafter erected or structurally altered shall provide a lot or land parcel area per family of not less than ten thousand (10,000) square feet.

G. *Parking Regulations.*

1. Where a lot is occupied by a multiple dwelling (apartment) or hotel, there shall be provided accessible parking space on the lot or land parcel, either garage or surfaced area, adequate to accommodate

(a) One car for each two dwelling units in apartments,

(b) One car for each four guest rooms in a hotel.

H. *Walls, Fences, Hedges.*

The same provisions as to walls, fences and hedges set out in Section III, paragraph G are applicable to Residence "C" District.

## SECTION V.

### Beach District.

1. Except as otherwise shown on the Building Zone Map, made a part of this ordinance, all lands in the Town lying east of the vegetation mark along the Atlantic Ocean are hereby defined to be BEACH DISTRICT, and the provisions hereinafter made shall relate thereto.

2. No structure or building more than one story (but not to exceed sixteen (16) feet in height, twenty (20) feet in width and twenty-five (25) feet in length, shall be constructed on privately owned property lying east of Ocean Boulevard, but that this re-

striction shall not be deemed to apply to jetties or groynes, or other structures for the protection of the beach front; provided further, that no wall, hedge, fence or other structure or growth shall be erected eastwardly of and parallel to the Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard pavement along which the said wall parallels.

3. Not more than one structure shall be erected for each one hundred (100) feet of frontage, and such structures erected on each one hundred (100) feet of frontage shall be set back not less than ten (10) feet from the north and south line of such one hundred (100) foot strip, and not less than ten (10) feet from the west line of such one hundred (100) foot strip; and provided, however, that the foregoing restrictions shall not be deemed to apply to jetties or groynes or other structures for the protection of the beach front, and provided further that no such structure so erected in conformity with the provisions of this Section shall ever be used for any purposes other than private bathing purposes incidental to the ownership thereof.

4. The restrictions set forth in the preceding paragraphs shall not apply to beach property located in front of any property in the Town of Palm Beach, classified as Residence "C," or in front of the end of any street adjoining any property classified as Residence "C."

## SECTION VI.

### Business District.

A. In Business Districts any building or land may be used for any use permitted in Residence "A" and "C" Districts, or for any other lawful use except the following:

1. Ammonia, Chlorine, or bleaching powder manufacture.
2. Animal hospital, veterinarian's office or shop for the sale and display of live pets or animals, where the number exhibited exceeds three (3).
3. Asphalt manufacture or refining.
4. Assaying (other than gold or silver).

5. Blacksmithing or horseshoeing.
6. Boiler making.
7. Bowling alleys, unless in air-conditioned, soundproof building.
8. Brewing or distilling of liquors.
9. Carpet cleaning.
10. Celluloid manufacture.
11. Crematory.
12. Distillation of coal, wood or bones.
13. Dyeing or dry cleaning, not including those carried on within a Hotel, Apartment House or Club.
14. Public Utility Electric Central Station Power Plant, other than those municipally owned.
15. Fat rendering.
16. Fertilizer manufacture.
17. Gas (illuminating or heating) manufacture or storage.
18. Glue, size and gelatine manufacture.
19. Iron, steel, brass or copper works.
20. Junk, scrap paper, or rag storage or baling.
21. Lampblack manufacture.
22. Laundries, not including laundries within a Hotel, Apartment House or Club.
23. Lime, cement or plaster of paris manufacture.
24. Milk bottling and distributing station.
25. Oilcloth or linoleum manufacture.
26. Paint, oil, varnish or turpentine manufacture.
27. Printing ink manufacture.
28. Raw hides or skins, storage, curing or tanning.

29. Repair shop for motor vehicles, not including those carried on within a garage.
30. Rubber manufacture from the crude material.
31. Saw or planing mill.
32. Shoddy manufacture or wood scouring.
33. Slaughtering of animals.
34. Smelting.
35. Soap manufacture.
36. Stable for more than five horses.
37. Starch, glucose or dextrine manufacture.
38. Stock yard.
39. Stone or monumental works.
40. Sugar refining.
41. Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.
42. Tallow grease or lard manufacture or refining.
43. Tar distillation or manufacture.
44. Tar roofing or tar waterproofing manufacture.
45. Public refrigerating plants, coal yards and coal pockets.
46. Wholesale warehouses for the storage or distribution of legalized wines or beer.
47. Any trade, industry or use that is obnoxious or offensive, by the emission of odor, dust, smoke or noise.

**B. *Building Height Limit.***

No building shall exceed six (6) stories or seventy (70) feet in height (whichever is the least).

**C. *Front, Side and Rear Yard Required.***

1. There shall be no minimum side yard requirements except as they relate specifically to buildings allowed in Residence Dis-

tricts "A" and "C," in which case the provisions stipulated for the Residence "C" District shall govern. There shall be a rear yard of at least ten (10) feet.

2. All buildings hereafter erected in the Business District shall be set back at least five (5) feet from the inside of the sidewalk in front of said lot.

## SECTION VII.

### General Provisions.

1. No buildings shall be erected, arranged or altered anywhere in said Town, and no land shall be used for any trade, industry or other uses that are obnoxious or offensive, by the emission of odor, dust, smoke or noise.

2. No building or lands not heretofore used for such purposes shall be erected or used, which is arranged, intended or designed to be used either as a public garage (not including a sales-room where motor vehicles are kept for sale or demonstration purposes only or storage garage), or in a public gasoline station, or a funeral home or embalming parlor, or undertaking establishment, or any place designed, intended or used for the purpose of holding funeral services or preparing bodies for burial, unless the written consent of the owners of seventy-five per cent (75%) of the property within a radius of two hundred (200) feet in all directions from the parcel of ground proposed to be used for such purposes, and also the consent of the owners of the property immediately adjacent thereto, which consents shall first be obtained and filed with the Town Council. No public garage or public service station, or any funeral home or embalming parlor, or undertaking establishment or any place designed, intended or used for the purpose of holding funeral services, or preparing bodies for burial shall be built within two hundred (200) feet of the nearest exit of any school.

3. No stands or open counters for feeding, drinking or other purposes shall be erected or permitted anywhere in the Town of Palm Beach, unless the same be within a building; PROVIDED, HOWEVER, that stands or open counters for feeding, drinking or other purposes may be erected or permitted in business dis-



tricts in those places, and under such conditions, as in the opinion of the Town Council would not adversely affect the safety, morals, health or general welfare of the municipality. No such place shall be operated except upon permit granted by the Town Council on written application.

(This is an amended paragraph 3 adopted by Ordinance #6-49 on February 15, 1949).

4. No structures shall be erected or constructed over the waters of Lake Worth except docks, boathouses and yacht club buildings.

5. No buildings or other structures of any nature whatsoever shall be constructed upon any land lying west of the Lake Trail.

6. No wall, fence, hedge or other similar structure or growth over four (4) feet high shall be erected, constructed or grown along the easterly side of the Lake Trail within the Town of Palm Beach, within twenty-five (25) feet of the easterly right of way line of said Lake Trail, as the same is now laid out, established and used.

7. Every room in every building of the Town of Palm Beach used for sleeping purposes shall have a width of not less than eight (8) feet, a floor area exclusive of closets, bathrooms, etc., of not less than ninety-six (96) square feet, and a frontage height of not less than seven (7) feet; there shall be at least fifty (50) square feet of floor area in said room for each person sleeping therein at any one time. Rooms, the floor of which is more than two (2) feet below grade, or rooms which open directly on a kitchen shall not be used for sleeping purposes.

8. (a) The use of any property zoned as Residence District "A," or as Beach District, or of any building described as a residence, by a larger number of persons than such property or residence is zoned for or designed to accommodate, is hereby declared to be a violation of this ordinance.

(b) It shall be unlawful for the owner, lessee or other person in the possession or control of any property zoned as Residence District "A" or as Beach District, or of any building designed as a residence in said District, to use or to allow such property or residence to be used for the purpose of holding conventions or entertaining more or less continuously a larger number of persons

than such property or residence is zoned for or usually accommodates.

(c) Nothing in this Section contained shall be deemed to prohibit the entertainment of *bona fide* guests of the owner, lessee or other person in the possession and control of any residence. However, a continuing invitation to persons residing in any given district of Palm Beach, or to the guests of an hotel or apartment house, or to the general public, shall not be considered the entertainment of *bona fide* guests within the meaning of this Section, but shall be deemed equivalent to the creation of a club and contrary to this ordinance.

9. (a) Chimneys may project into side and rear yards a distance not to exceed twenty-four (24) inches, provided that a clear space of not less than twenty-eight (28) inches is left between such projection and the lot line adjacent. The horizontal dimension of the chimney at right angles to the projection shall not exceed eight feet (8').

(b) Except as otherwise provided in Sub-paragraph (h) hereof, no steps or platforms over thirty-six (36) inches in height above grade shall extend into side, rear or front yards. Steps or platforms not exceeding thirty-six (36) inches in height may be railed, provided that such railing shall not exceed in height above grade that specified for walls in that district, and further, that there shall be a clear, unobstructed passage of not less than twenty-eight (28) inches between such projection and the lot line adjacent. Platforms or terraces not exceeding thirty-six (36) inches in height may extend across side and rear yards, provided that there shall be ramps or steps at least thirty-six (36) inches wide on opposite sides to provide unobstructed passage over such projections.

(c) Area-ways, steps to basements and similar features will be permitted in side and rear yards, providing that no part of such feature shall exceed in height, thirty-six (36) inches above grade and that the projection shall not exceed twenty-four (24) inches, and provided further that there shall be a clear unobstructed passage of not less than twenty-eight (28) inches between such features and the lot line adjacent. Steps, extending not more than four (4) feet from the main building and not more than thirty-six (36) inches in height above grade, leading to the base-

ment or ground floor may be constructed in the side yard on the street side of a corner lot.

(d) Open-type, metal fire-escapes may project forty-eight (48) inches into side and rear yard areas, provided that the bottom rung shall be counterbalanced and that when the bottom rung is up there shall be at least nine (9) feet of clear headroom below it. The bottom rung shall be adjacent to the building and shall be so arranged that when down, there shall be at least twenty-eight (28) inches of clear, unobstructed passage between it and the lot line adjacent.

(e) Except as otherwise provided in Sub-paragraph (h) hereof, no main walls of any building shall encroach on the yard areas, but architectural features such as canopies, bay-windows, open balconies, cornices, eaves, etc. may project into side and rear yards not more than thirty-six (36) inches and there shall be not less than seven (7) feet of clear headroom under any such projection. Similar features may project not over forty-eight (48) inches into front yards, with no headroom clearance required.

(f) Except as otherwise provided in Sub-paragraph (h) hereof, open terraces projecting into front yards shall not exceed in height four (4) feet above grade and the railings of such terrace (if of solid construction) shall in no case be more than the height above grade of walls specified for that district. Where necessary to provide access through the side yards, terraces shall be provided with steps or ramps and gates, not less than thirty-six (36) inches in width. "Grade" as used herein shall mean the street level adjacent to said lot.

(g) On lots fifty (50) feet or less in width, a porte-cochere of either permanent construction or of sound temporary construction, which is not more than eighteen (18) feet in length may project over any side or rear yard (but not closer than two (2) feet to the rear and side lines) provided, however, that such porte-cochere does not exceed one (1) story in height, that the supporting columns shall not exceed two (2) feet in any cross-sectional dimension and that it shall be open, full width both front and rear and side. It is the intention of this section to allow flame proofed canvas covering over pipes or wood structure if built in a substantial manner and according to sound construction principles.

ORDINANCE #4-49

AN ORDINANCE OF THE TOWN OF PALM BEACH, IN PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE #9-48 DULY ADOPTED MARCH 31, 1948, WITH REFERENCE TO PROJECTIONS INTO YARD AREAS.

BE IT ORDAINED by the Town Council of the Town of Palm Beach, Florida, as follows:

SECTION I

That Ordinance #9-48, duly adopted March 31, 1948, be, and the same is hereby amended by striking out all of Section I of said ordinance and inserting in lieu thereof the following:

"SECTION I

Zoning Ordinance #1-47 is hereby amended by adding to Section VII, a paragraph known as 'Paragraph 9 a., b., c., d., e., f., g., h' to read as follows, to-wit:

9. PROJECTIONS INTO YARD AREAS:

Class "A" Residential District.

a. In Class "A" residential district, chimneys, cornices, eaves, bay-windows, and balconies, may extend 24 inches from the main building into the yard areas.

b. First floor entrance platforms, open porches, or steps, may extend 6 feet into the front or street area provided no closed part shall exceed four feet in height above the average lot level.

c. On lots 50 feet or less in width, a porte cochere of either permanent construction or of sound temporary construction which is not more than 22 feet in length, may project over any side or rear yard, but not closer than 2 feet from any property lines, and not over one story in height, and shall be open on all sides. It is the intention of this section to allow flame proof canvas covering over pipe or wood structure if built in a substantial manner and according to sound construction principles.

Class "C" Apartment and Hotel District.

a. That in apartment and hotel district, cornices, open balconies, bay-windows, chimneys, and fire escapes, may extend 48 inches from the main building into any yard areas.

b. First floor entrance platforms, open porches, open balconies, canopies, and architectural features, may extend 6 feet into the front or street area, provided no closed part shall exceed four feet in height above the average lot level.

c. Area-ways, ramps, or steps to basement may extend into side or rear yard area within 28 inches from adjacent property line provided no part is over 36 inches above the grade.

Business District.

a. That in business district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk area, provided it shall have 9 feet between any solid construction and the sidewalk.

b. Marquise, or canvas covered fire proof canopies over main entrances to Hotels, Theatres, and public places may extend to the face of the curb, provided no support shall be nearer than 18 inches from the face of the curb, and 9 feet between any solid construction and the sidewalk.

c. No projections shall be allowed in the rear yard except open type metal fire escapes, and these must be provided with a counter-balanced bottom section to provide for a 9 feet clearance when up.

d. That in Residence "C" and Business districts on lots which abut on the ocean accessory buildings such as cabanas, swimming pools and appurtenances, dining terraces, etc., may be constructed in the yard which abuts the ocean; provided that no such building shall encroach on the side yard areas; and provided further that such buildings shall not exceed one story, nor in any event shall the height of such building be in excess of 18 feet above mean low water."

This paragraph shall not be applicable to beach district, which is governed by paragraph 2 of Section V of Zoning Ordinance #1-47.

SECTION II

This Ordinance shall take effect promptly upon passage and promulgation according to law.

PASSED AND ADOPTED in regular session this 11th day of January, 1949.

(h) That in Residence "C" and Business Districts on lots which abut on the ocean, accessory buildings such as cabanas, swimming pools and appurtenances, dining terraces, etc., may be constructed in the yard which abuts the ocean; provided that no such building shall encroach on the side yard areas; and provided further that such buildings shall not exceed one (1) story, nor in any event shall the height of such building be in excess of eighteen (18) feet above mean low water.

(The above section was added to the Zoning Ordinance by Ordinance #9-48 adopted March 31st, 1948).

10. Buildings on lots in Singer Addition to the Town of Palm Beach, Florida, according to the plat thereof recorded in Plat Book 8, page 81, facing County Road, heretofore or hereafter constructed not closer than twenty-five (25) feet from the east side of the sidewalk westerly of said lots is in compliance with the zoning ordinances of the Town of Palm Beach.

(The above section was added to the original Ordinance by Ordinance #19-50 adopted November 21, 1950).

## SECTION VIII.

### Non-Conforming Uses.

The lawful use of a "building" (that is, a lawful use under the zoning laws and regulations of the Town in effect at the time of the passage of this ordinance) existing at the time of the passage of this ordinance shall not be affected by this ordinance, although such use does not conform to the provisions of this ordinance; and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to secure the safety of the building, are made therein but no such use shall be extended to occupy any land outside such building. If such non-conforming building is removed or the non-conforming use of such building is discontinued for a continuous period of not less than one hundred and eighty (180) days, exclusive of seasonal closings, every future use of such premises shall be in conformity with the provisions of this ordinance.

The lawful use of "land" (that is, a lawful use under the zoning laws and regulations of the Town in effect at the time of the passage of this ordinance) existing at the time of the passage of this ordinance, although such use does not conform to the provisions of this ordinance, shall not be affected by this ordinance, provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance. If such non-conforming use is discontinued for a period of not less than one hundred (100) days, seasonal non-use excluded, any future use of said land shall be in conformity with the provisions of this ordinance. Provided, however, that where "land" is now used for a use excluded from the district in which such "land" is located, and such use is not an accessory to the use of a main building located on the same lot or grounds such non-conforming use of "land" shall be discontinued and all material completely removed by its owner not later than three (3) years from the date of the passage of this ordinance. Auto parking lots now being operated in Residence Districts "A" or "C" under the present Town Ordinances, are not intended to be included in the above classifications but shall be maintained, continued or discontinued in accordance with the present Town Ordinances relating thereto.

If no structural alterations are made, a non-conforming use may be changed to a use of the same or higher classification according to the provisions of this ordinance. When a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification; provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a non-conforming use of a lower classification.

Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than seventy-five (75) per cent of its value by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy of such building.

## SECTION IX.

### Certificates of Occupancy.

That it shall be unlawful to use or permit the use of any building or premises thereon hereafter created or erected, changed or converted wholly or partly in its use or structure until a certificate of occupancy to the effect that the building or premises or part thereof and the proposed use thereof conform to the provisions of the ordinance shall have been issued by the Town Building Inspector; provided that under the rules and regulations of the Town Zoning Commission a temporary certificate of occupancy for a part of a building may be issued by the Town Building Inspector; provided that upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of the passage of this ordinance certifying after inspecting the use of the building or premises and whether such conforms to the provision of this ordinance.

## SECTION X.

### Special Exceptions.

A. When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, application to the Town Council may be made by any person aggrieved to grant special exceptions, in specific cases to the terms of this ordinance where the same will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship to the end that the spirit of this ordinance shall be observed and substantial justice done.

B. In considering all proposed variations to this ordinance, the Council shall, before making any finding in a specific case, first determine that the proposed variation will not constitute any change in the districts shown on the zoning map, and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or

impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare of the Town of Palm Beach, Florida.

C. Every person requesting a special exception as herein contemplated, shall make written application to the Town Council therefor and file the same, and ten copies thereof, with supporting facts and data with the Building Inspector. The Building Inspector shall forthwith examine said application and endorse his recommendations thereon. Thereupon a copy of said application shall be mailed to the owners of the property immediately adjacent thereto and across the street therefrom at the address shown on the Town tax records, together with a notice from the Building Inspector advising the time of the hearing on said application before the Town Council.

The Building Inspector shall also cause to be published in a newspaper in Palm Beach or West Palm Beach a brief summary of said application and the date of the hearing, directed "To all to whom it may concern"; said notice shall be published for two (2) insertions, seven (7) days apart, the first to be at least ten (10) days before the meeting of the Town Council to consider such application. The cost of such publication shall be borne by the applicant.

No application shall be heard less than ten (10) days after the first publication of notice and the mailing to property owners directly affected as herein provided, and all applications will be heard at regular meetings of the Town Council unless otherwise ordered by the Council.

## SECTION XI.

### Plats.

A. All plans, re-plans, plats or re-plats of land hereafter laid out in building lots or streets, alleys or other portions of the same intended to be dedicated to the public use, or for the use of purchasers or owners of lots fronting thereon, or adjacent thereto, and located within the Town, shall be submitted to the Town Council, or a committee thereof designated for such purpose, for its approval or rejection; and it shall be unlawful to receive or



record such plans, re-plans, plats or re-plats, in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Town Manager upon authority of the Town Council, and the corporate seal of the Town. The disapproval of such plans, re-plans, plats and re-plats by the Town Council shall be deemed a refusal by the Town of the proposed dedication shown thereon. The approval by the Town Council shall be deemed an acceptance by the Town of the proposed dedication, but shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town shall have made actual appropriations of the same by entry, use or improvements.

B. Each application for a building permit shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this ordinance. A record of such application and plat shall be kept in the office of the Building Inspector. Where application is made to enlarge an existing non-conforming use, the application shall be accompanied by an affidavit giving the description of the premises owned at the date of the passage of this ordinance.

## SECTION XII.

### Interpretation, Purpose and Conflict.

1. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall control. If, because of error or omission in the Zoning Map, any property in the Town of Palm Beach, Florida, is not shown as being in a Zoning Dis-

tract, the classification of such property shall be Residence "A," unless changed by amendment to the Zoning Ordinance.

2. This ordinance, as recited in the preamble hereto, is adopted for the purpose of revising, amending and bringing to date the zoning laws and ordinances of the Town of Palm Beach in existence since the enactment of Zoning Ordinance Number One in March, 1929, and it is hereby expressly declared and determined that it is the intention of the Mayor and Town Council that this ordinance shall supersede only such parts of the existing zoning laws and ordinances of the Town of Palm Beach, Florida, as are in direct conflict with and not reconcilable to the provisions of this ordinance, and it is expressly declared and determined that if for any reason this ordinance should be found by any court of competent jurisdiction to be invalid or unenforcible, then the provisions of the zoning ordinances of the Town of Palm Beach in force and effect as of the date hereof shall continue to be in full force and effect, it being the intention of the Town Council that there shall exist no period of time in which the Town of Palm Beach shall not be comprehensively zoned.

3. In the event any court of competent jurisdiction should hold that any provision of this ordinance or the zoning map which is made a part hereof, is unconstitutional or unenforcible as to any particular parcel of land or building within the Town of Palm Beach, because the use allowed for such parcel of land or building under this ordinance amounts to taking property without due process of law, or for any other reason, then and in that event such piece or parcel of land or building is hereby declared to be, and is hereby, classified under the Town's zoning laws in the next less restrictive classification, that is to say, if any property be classed as Residential District "A," and any court holds such classification to be arbitrary and unreasonable, it shall thereupon fall in Classification "C." If classified as Residence "C" and any court of competent jurisdiction should hold such classification to be unconstitutional and arbitrary, the same shall thereupon fall into classification of business.

## SECTION XIII.

### Changes and Amendments.

The Town Council may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning and Zoning Commission for its recommendations and report. Upon the filing of the recommendations and report by the Planning and Zoning Commission, the Town Council shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of such hearing in a newspaper having a general circulation in the Town of Palm Beach, or if none is published in said Town, in West Palm Beach, and by posting on the official bulletin board of the Town Hall.

In case of an adverse report by the Planning and Zoning Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the Town Clark, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending five hundred (500) feet therefrom, or of those directly opposite thereto extending five hundred (500) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the Town Council.

No amendments or changes (except procedural) of any kind shall be made in this ordinance except during the months of December, January, February and March.

## SECTION XIV.

### Enforcement, Violations and Penalties.

1. That this ordinance shall be enforced by the Town Building Inspector and/or the Town Council of the Town of Palm Beach, Florida; that the Building Inspector of the Town of Palm Beach, Florida, is hereby authorized to cause any building, struc-

ture, place or premises to be inspected or examined, and to order in writing upon reasonable notice the remedying of any condition found to exist therein or thereat, in violation of any of the provisions of this ordinance: such order shall be served by actual delivery to the owner or agent or by mailing a copy thereof to the owner by registered mail, or in the event his residence is unknown, by publishing such notice one time in some newspaper published and printed in Palm Beach, Florida, or in the event no newspaper is published or printed in Palm Beach, Florida, in some newspaper published and printed in the City of West Palm Beach, Florida, and in each instance by posting a copy thereof on the building so affected, and at the door of the Town Hall; that the owner or agent of a building or premises, where a violation of this ordinance has been committed, or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, contractor, building agent, builder or any other person who commits, takes part in or assists in any such violation or who maintains any building or premises or any part thereof, in which any violation shall exist, shall be guilty of a misdemeanor and shall be punished as hereafter provided; that any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service is completed, or shall continue to violate any provision of this ordinance, in the respect named in said ordinance, shall be guilty of a misdemeanor, and shall be punished as hereinafter provided. That in addition to the foregoing remedies, the Town may, through its Council, Mayor, Building Inspector, or other proper officer, maintain and prosecute in any court of competent jurisdiction, an action or injunction, or otherwise, to restrain any violation of this ordinance. In addition to all the above, any person violating any of the provisions hereof shall be subject to arrest and trial in the Police Court of said Town for any violation actually committed.

2. Any person found guilty of violating any of the provisions of this ordinance relating to the use and occupancy of property shall, upon conviction, be fined not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), and imprisoned not more than thirty (30) days in the common jail of said Town. Each day's violation of any of the provisions of this ordinance, or any zoning ordinance of the Town of Palm Beach

regarding the use and occupancy of lands shall constitute a separate offense and shall be punishable accordingly.

3. Any tenant or lessee who shall knowingly violate or be a party to the violation of any provision of this ordinance, or shall continue the violation of any provision of this ordinance after being notified to cease and desist, shall be guilty of a misdemeanor and shall be punished as provided in the preceding paragraph.

4. Zoning ordinances relating to the sale of intoxicating liquors are intentionally omitted herefrom, and this ordinance shall not be deemed to in any way repeal, alter or modify any existing zoning ordinance or regulation in regard thereto.

## SECTION XV.

Except as granted by the express provisions of this ordinance and the Zoning Map made a part hereof all applications for rezoning now pending before the Town Council and Zoning Commission, are hereby denied.

## SECTION XVI.

### Validity.

Should any section, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.