Zoning and Planning Palm Beach Florida

Town of Palm Beach, Florida

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Recommended Citation
This pamphlet is a reprint of Chapter 33, Zoning and Planning of the Code of Ordinances, Town of Palm Beach, Florida, published by order of the Town Council.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida
1961

Second Printing March 1966
Sec. 33-1. Definitions.

For the purpose of this chapter, 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," the word "lot" shall include the words "plot," "tract" and the word "shall" is mandatory and not directory; said definitions being as follows:

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

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

3. Reserved.

4. Auto rental lot. A lot or parcel of land on which passenger automobiles for active rental purposes only and owned by the licensee are stored or parked. [Defined by Ord. No. 9-57.]

*Editor's note—The sections and subsections of the chapter are derived from the ordinances listed in the historical edition enclosed in parenthesis following the text. If a subsection is not followed by a citation it is derived from the ordinance appearing at the end of the entire section.

†Amendment note—Ords. No. 3-66, § 3, adopted April 12, 1966, and Ord. No. 8-66, § 3, adopted and effective July 12, 1966, amended § 33-1 by deleting subsection (3) derived from Ord. No. 8-62, § 1, adopted August 9, 1962 defining apartment hotel. The subsection has been reserved for future use.


Charter references—For powers of town relative to zoning, see § 162 et seq.; as to planning commission, see § 10.

Cross references—Maximum size of signs in residence A districts, § 28-6(e); regulation of signs in certain portions of residence C areas, § 28-6(f); signs complying with setback requirements, § 28-6(k).

State law reference—Zoning powers of town under general law, Ch. 176, Florida Statutes 1955.

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(5) **Basement.** A story, the floor of which is two feet or more underground and having at least one-half of its height above the average level of adjoining ground. Basement shall not be considered a story with regard to height regulations hereafter mentioned if the same does not exceed eight feet in height above the average level of the adjoining ground, and if designed for any adapted to and used for the purpose of auto storage, furnace and other utility purposes. Exterior walls of basements of a building shall be set back from all property lines as required for the building exterior wall line of the story next above. (Ord. No. 3-60, § 11, 3-29-60; Ord. No. 3-66, § 4, 4-12-66; Ord. No. 8-66, § 4, 7-12-66)

(6) **Boardinghouse.** A building other than a hotel, where lodging or meals or both are served for compensation.

(7) **Building.** See Structure, subsection (34).

(8) **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.

(9) **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.

(10) **Dwelling, single family.** A detached building designed for or occupied exclusively by one family.

(11) **Dwelling, two family (duplex).** A detached building designed for or occupied exclusively by, two families independently of each other.

(12) **Dwelling, multiple* (commonly known as an apartment house).** A building, or portion thereof, used or designed as a residence for three or more families living independently of each other, having individual living units.

*Amendment note—Ord. No. 8-62 enacted August 9, 1962, amended § 35-1(12) by making the definition more specific.

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with each unit having cooking facilities and containing a living room and one or more bedrooms. (Ord. No. 8-62, § 2, 8-9-62)

(13) **Filling station.** Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories.

(14) **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.

(15) **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.

(16) **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, repair, or kept for remuneration, sale, or accessories sold. Auto rental lot is specifically excluded from this classification. [Redefined by Ord. No. 9-57.]

(17) **Garage, storage.** Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

(18) **Guest house (tourist home).** Any dwelling in which rooms are rented for guests and for lodging of transients and travelers for compensation.

(19) **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


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which ten or more rooms without kitchen or cooking facilities 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. (Ord. No. 3-66, § 5, 4-12-66; Ord. No. 8-66, § 5, 7-12-66)

(20) **Lodging (rooming house).** A building where lodging only is provided for compensation to three or more, but not exceeding ten permanent guests or tenants.

(21) **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 chapter. For the purpose of this chapter 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.

(22) **Lot, corner.** A lot abutting upon two or more streets at their intersection.

(23) **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.

(24) **Lot, interior.** A lot other than a corner lot.

(25) **Lot lines.** The lines bounding a lot.

(26) **Lot through.** An interior lot having frontage on two streets, other than a corner lot.

(27) **Motel.** A group of attached or detached buildings containing individual sleeping or living units for transients, with garage attached or parking facilities conveniently available to each unit. [Defined by Ord. No. 1-54.]
(28) *Nonconforming use.* A use that does not conform with the regulations of the use district in which it is situated.

(29) *Parking Lot.* An area or plot of land used for the storage or parking of motor vehicles.

(30) *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.

(31) *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.

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

(33) **Street line.** The line between the street and abutting property.

(34) **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.

(35) **Structural alterations.** Any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

(36) **Tourist home.** See Guest house, subsection (18).

(37) **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 otherwise provided herein.

(38) **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.

(39) **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.

(40) **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.

(41) **Building line.** The line, established by law, beyond which a building shall not extend, except as specifically provided by law.
§ 33-1  PALM BEACH CODE § 33-2

(42) **Building exterior wall line.** The line of a building, as established by the enclosing walls of said building designed and constructed to exclude the weather.

(43) **Penthouse.** An apartment or dwelling structure, built on the roof of the main building, having exterior walls set back at a forty-five degree angle from the top of the building exterior wall lines of the floors immediately below. (Ord. No. 1-47; Ord. No. 4-62 § 1, 3-27-62)

Amendment note—Ord. No. 4-62, § 1, amended § 33-1 of this code by adding definitions (41), (42) and (43).

Sec. 33-2. Interpretation, purpose and effect of chapter.

(A) **As minimum requirements.** In interpreting and applying the provisions of this chapter, 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 chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this chapter 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 chapter shall control. If, because of error or omission in the zoning map, any property in the town is not shown as being in a zoning district, the classification of such property shall be residence “A,” unless changed by amendment to the zoning map or by zoning ordinances.

(B) **Purpose, effect of old ordinances.** This chapter as recited in the preamble to ordinance number 1-47, is adopted for the purpose of revising, amending and bringing to date the zoning laws and ordinances of the town in existence since the enactment of zoning ordinance number one of March, 1929, and it is hereby expressly declared and determined that it is the intention of the mayor and town council that this chapter shall supersede only such parts of the existing zoning laws and ordinances of the town as are in direct
conflict with and not reconcilable to the provisions of this chapter and it is expressly declared and determined that if for any reason this chapter should be found by any court of competent jurisdiction to be invalid or unenforceable, then the provisions of the zoning ordinances of the town 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 shall not be comprehensively zoned.
(C) Effect of unenforceability of provisions. In the event any court of competent jurisdiction should hold that any provision of this chapter or the zoning map which is made a part hereof, is unconstitutional or unenforceable as to any particular parcel of land or building within the town, because the use allowed for such parcel of land or building under this chapter 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. (Ord. No. 1-47, § 12)

Sec. 33-3. Changes and amendments to zoning regulations, procedure.

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 days' notice of the time and place of such hearing in a newspaper having a general circulation in the town, or if none is published in the town, then in West Palm Beach, and by posting on the official bulletin board of the town hall.

†Charter reference—As to creation, powers and duties of zoning commission, see § 163 et seq.
§ 33-3  PALM BEACH CODE § 33-4

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 clerk, duly signed and acknowledged by the owners of twenty per cent 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 feet therefrom, or of those directly opposite thereof extending five hundred 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. [Amended by Ord. No. 5-55.] (Ord. No. 1-47, § 13)

Sec. 33-1. District classification and boundaries; zoning map.

(A) In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of use of land area; to regulate and determine the areas of open spaces within and around 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 five, known as:

(1) RESIDENCE DISTRICT “A”.
(2) RESIDENCE DISTRICT “C”.
(3) RESIDENCE DISTRICT “D”.
(4) BEACH DISTRICT.
(5) BUSINESS DISTRICT.

The boundaries of the districts as shown upon the zoning map which is hereby adopted by reference and made a part hereof, and entitled “Amended Zoning Map of the Town of Palm Beach, Florida”, which original amended map bears the following legend:

“Adopted February 9th, 1954, as a part of
Zoning Ordinance No. 1-54.”
Following this legend appear the original signatures of the members of the council signing such ordinance, the signatures of the mayor and the town clerk, and the corporate seal of the municipality.

The amended zoning map and all the notations, references and other information shown thereon are a part of this chapter as if such information set forth on the map were all fully described and set out herein. This amended zoning map, properly attested, shall remain at all times on file in the office of the town clerk.

That original zoning map, entitled "Zoning Map of the Town of Palm Beach, Florida", which original map was adopted on March 31, 1947 as a part of zoning ordinance number 1-47, and which is specifically identified in section I of zoning ordinance number 1-47, shall remain in full force and effect, except as changed by the "Amended Zoning Map of the Town of Palm Beach, Florida" and all amendments thereof. [Amended by Ord. No. 1-54.]

(B) In the creation, by this section, 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 section or any subsequent amendment thereto, are hereby adopted and approved, and the regulations of this chapter 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 such map.

(D) Where uncertainty exists as to boundaries of any district shown on such map the following rules shall apply:
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(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 un subdivided 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 officially vacated or abandoned subsequent to the enactment of ordinance number 1-47, 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 chapter, 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 feet beyond the boundary line of the district in which such use is authorized. (Ord. No. 1-47, § 1)

Sec. 33-5. Construction to comply with chapter; regulations as to each building; buildings to be on street lots.

Except as hereinafter provided:

(A) 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 chapter for the district in which the building or land is located.

(B) The minimum yards and other open spaces, including the intensity of use provisions contained in this chapter for each building erected, reconstructed or structurally altered subsequent to the enactment of ordinance number 1-47, 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.

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(C) Every building erected, reconstructed or structurally altered subsequent to the enactment of ordinance number 1-47, shall be located on a lot fronting on either a private or public street. (Ord. No. 1-47, § 2)

Sec. 33-6. Residence district “A” regulations.

The following regulations shall govern in 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) Municipally owned or operated parks and playgrounds.

(5) 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 stories or thirty-five feet in height, which ever shall be the least. [Amended by Ord. No. 1-54.]

(C) Building site area required:

The minimum building site area shall be one lot or a parcel of land ten thousand 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 feet in depth. Where lots comprising twenty-five per cent 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 feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established.

*Amendment note—Section 2, Ord. No. 2-64, enacted March 24, 1964, amended § 33-6(A) by deleting subsection (4), Churches, therefrom and renumbering subsections (5) and (6) to (4) and (5). Supp. No. 18
§ 33-6 PALM BEACH CODE § 33-6

(E) Side yard required:

(1) The aggregate of the side yards of a building shall have a width of not less than twenty percent of the average width of the lot but such side yard aggregate need not exceed twenty feet. Side yards need not be the same on each side of the building but no side yard shall be less than five feet, and no building shall be built nearer than ten feet from any other building.  [Amended by Ord. No. 5-55.] (Ord. No. 9, § 9-69, § 9-29-60)

(2) The side yard on each side of a building on a lot having a width of fifty feet or less, where special exception may be hereafter granted, shall have a width of not less than five 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 such lot; provided, however, 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 such street as provided in subsection (D) of this section.

(F) Rear yard required:

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

(G) Walls, fences, hedges:

(1) All walls, fences or hedges outside of building lines of the property shall not be over four feet in height from the front street line back to the building line, and not more than six feet in

*Amendment note—Section 9 of Ord. No. 3-60, enacted March 29, 1960, amended § 33-6(E)(1) by adding the word “aggregate” where it appears after the words “side yard.”

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(H) **Additional provisions:**

(1) Any private school now being conducted on lands within the town 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 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 chapter.

(4) **Golf courses:** Golf courses in existence on the date of the passage of this chapter and located in residence district “A” may continue to be used as such
under the provisions of section 33-12 hereof; pro-
vided, however, any club house, caddy house or
other structure used in connection with and as a
part of and appurtenant to the operation or main-
tenance 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. (Ord. No. 1-47, § 3)

Cross reference—For off-street parking requirements for dwelling, see
§ 33-10.1(b).

Sec. 33-7. Residence district “C” regulations.

The following regulations shall govern in residence district
“C”:

(A) Uses permitted shall be only the following:

(1) Any use permitted in the residence district “A”.

(2) Boardinghouses, apartments and hotels. News-
stands, dining rooms, bars or similar uses for the
convenience of guests in a boardinghouse, apart-
ment or hotel may be operated within such board-
inghouse, apartment or hotel provided that all
entrances thereto are within such boardinghouse,
apartment or hotel and there is no display of goods
visible from the street and no exterior advertising;
provided, further, the total floor area devoted to
such purpose shall not exceed ten per cent of the
total floor area of said building. [Amended by
Ord. No. 7-52.]

(3) Clubs for social, recreational, fraternal and be-
nevolent purposes.

(4) Schools—public, private or boarding.

(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 plot
and not involving the conduct of a business.

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(B) Building height limit:

(1) For single family dwellings and accessory buildings the height shall not exceed two and one-half stories or thirty-five feet, whichever shall be the least.

(2) For buildings other than single family dwellings and accessory buildings the height shall not exceed fifty feet, except as provided in section 33-11, subsection (L); provided however, that one penthouse story not to exceed twelve feet in height may be added to such buildings beyond this height if all parts of such penthouse story are kept within the limits of a prism having an angle of forty-five degrees projected from all building exterior wall lines the measurement of said angle beginning at the top of the building exterior wall height of fifty feet. In no event, however, shall such building contain more than five stories and a penthouse, said penthouse to be contained within the limits of the prism herein described.* [Amended by Ord. No. 3-60, § 7, 3-29-60; Ord. No. 2-61, § 1, 5-9-61; Ord. No. 4-62, § 2, 3-27-62]

(C) Front yard required:

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

(D) Side yard required:

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

(E) Rear yard required:

(1) There shall be a rear yard not less than ten feet.

*Amendment note—Section 7 of Ord. No. 3-60, amended § 33-7(B)(2) of this Code by changing the height limitation from forty-six feet to fifty feet, by changing the internal reference from § 33-11(K) to § 33-11 (L), and by adding the sentence “In no event . . . prism therein described.” Ord. No. 2-61, § 1, amended § 33-7(B)(2) to add the definition of “building line.” Ord. No. 4-62, § 2, enacted March 7, 1962, amended § 33-7(B)(2) to add the manner of measuring the angle of the prism limits and to delete the definition of “building line.”

Cross references—“Building line, building exterior wall line, penthouse” defined, § 33-1(41)—33-1(49).
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(F) Building site area:

(1) Every single family dwelling hereafter erected or structurally altered shall provide a lot or parcel of land area per family of not less than ten thousand square feet.

(G) Parking regulations:

(1) Off-street parking space shall be provided in accordance with the provisions of section 33-10.1 of this Code. [Amended by Ord. No. 2-61, § 2, 5-9-61]

(2) Where parking space is provided in open areas adjacent to any apartment or hotel, such parking spaces shall be suitably paved and it shall be unlawful for the owners or occupants of such apartment house or hotel to place on such parking area any furniture or other property which will obstruct or hinder the free use of such parking area. [Amended by Ord. No. 6-52]

(II) Walls, fences, hedges:

The same provisions as to walls, fences and hedges set out in section 33-6, subsection (G) are applicable to residence district “C”. [Amended by Ord. No. 1-54] (Ord. No. 1-47, § 4)

Sec. 33-8. Residence “D” regulations.

The following regulations shall govern in residence district “D”:

(A) Uses permitted shall be only the following:

(1) Any uses permitted in the residence “A” and residence “C” districts.

(2) Motels.

(3) Accessory buildings and uses customarily incident to any of the above uses, including private garages

*Amendment note—Ord. No. 2-61, § 2, amended § 33-7(G)(1) to read as there set out. Previously, said paragraph specified parking requirements and was superseded by the enactment of § 33-10.1.
and parking lots for motor vehicles, dining rooms, bars, swimming pools, or similar uses for the convenience of the guests when located on the same plot (and under the same ownership and management) as the principal building, and which do not involve the conduct of a separate and independent business. All accessory buildings and uses, with the exception of private garages and parking lots for motor vehicles, shall be set back at least fifty feet from the right-of-way line of State Road A-1-A.

(B) Building height limit:

(1) For single family dwellings and accessory buildings the height shall not exceed two and one-half stories or thirty-five feet, whichever shall be the least.

(2) For motels the height shall not exceed twenty-five feet. Motels shall be approved by the state board of health and the state hotel commission.

(3) For buildings other than single family dwellings and motels, the height shall be the same as in the residence district “C”, except as provided for in subparagraph (4) of this subsection (B).

(4) For buildings erected on tracts or parcels of land that are in one ownership and which are developed as one integral unit extending from the right-of-way boundaries of State Highway A-1-A easterly to the Atlantic Ocean, the height shall not exceed eight stories or ninety feet (whichever shall be the least); however any such buildings exceeding the height limit permitted in residence district “C” shall be set back forty feet from the right-of-way of any public highway or highways and from the side line 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 the height thereof. The side lines as herein used shall be deemed to mean the north and south sides of said property.
(C) Front, rear and side yard requirements:*

(1) Same as for residence district “C” except as provided for in subparagraph (3) of subsection (A) of this section, and subparagraph (4) of subsection (B) of this section.

(2) No structure of any nature shall be constructed closer than one hundred fifty (150) feet from the designated bulkhead line established in Chapter 8, unless a bulkhead is constructed in conjunction with said structure at a location approved by the town manager. (Ord. No. 3-66, § 1, 4-12-66; Ord. No. 8-66, § 1, 7-12-66)

(D) Building site area:

(1) For single family dwellings the same as in residence district “C”.

(E) Parking requirements:†

Off-street parking space shall be provided in accordance with the provisions of section 33-10.1 of this Code.

[Amended by Ord. No. 2-61, § 3, 5-9-61]

(F) Walls, fences, hedges:

The same provisions as to walls, fences and hedges as set forth in subsection (G) of section 33-6 shall apply to residence district “D”. [Added by Ord. No. 1-54].

(Ord. No. 1-47, § 4a)

(G) Dune removal:*

When any person causes the existing dune occurring west of the existing bulkhead line to be lowered below Elevation 18.0, U. S. C. & G. S. Datum, then a bulkhead must be constructed in conjunction with said dune removal across the width of said dune removal at a location approved by the town manager. (Ord. No. 3-66, § 2, 4-12-66; Ord. No. 8-66, § 1, 7-12-66)

*Amendment note—Ord. No. 3-66, §§ 1, 2, adopted April 12, 1966, and Ord. No. 8-66, §§ 1, 2, adopted and effective July 12, 1966, amended § 33-8 as follows by adding subparagraph (C)(2) subsection (G).

†Amendment note—Ord. No. 2-61, § 3, adopted May 9, 1961, amended § 33-8(E) to read as set out. Previously, the requirements were the same as for residence district (C) except that motels were required to have one space per unit. This former provision was inconsistent with and superseded by § 33-10.1.
§ 33-9  ZONING AND PLANNING  § 33-9

Sec. 33-9. Beach district regulations.

Except as otherwise shown on the zoning map, made a part of this chapter, 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 of this section shall relate thereto.

(A) Building and fence, etc., height, width and length limit:

No structure or building more than one story (but not to exceed sixteen feet in height, twenty feet in width and twenty-five feet in length), shall be constructed on privately owned property lying east of Ocean Boulevard, but that this restriction 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 feet above the surface of the Ocean Boulevard pavement along which such wall parallels.
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(B) Number of buildings and setback:

Not more than one structure shall be erected for each one hundred feet of frontage in a single ownership, and such structures erected on each one hundred feet of frontage shall be set back not less than ten feet from the north and south line of such one hundred foot strip, and not less than ten feet from the west line of such one hundred foot strip; and provided, however, that the foregoing restrictions shall not be deemed to apply to jetties or groins 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.* (Ord. No. 3-60, § 5, 3-29-60)

(C) Exceptions:

The restrictions set forth in the preceding paragraphs shall not apply to beach property located in front of any property in the town classified as residence “C,” or in front of the end of any street adjoining any property classified as residence “C.” (Ord. No. 1-37, § 5)

Sec. 33-10. Business district regulations.

(A) Prohibited uses:

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. Asphalt manufacturing or refining.

*Amendment note—Section 5 of Ord. No. 3-60, enacted on March 29, 1960, amended § 33-9(B) of this Code by inserting the words “in a single ownership” following the words “one hundred feet of frontage.” Supp. No. 6
(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) Stockyard.
(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.

(E) Building height limit:

(1) For single family dwellings and accessory buildings the height shall not exceed two and one-half stories or thirty-five feet, whichever shall be the least.

(2) For all buildings other than single family dwellings and accessory buildings the height shall not exceed six stories or seventy feet, whichever shall be the least. [Amended by Ord. No. 1-54]

(C) Front, side and rear yard required:

(1) There shall be no minimum yard requirements except as they relate specifically to buildings al-
owed in residence districts "A" and "C," in which case the provisions stipulated for the residence
district "C" shall govern. There shall be a rear
yard of at least ten feet. In cases where buildings
are designed for mixed occupancy use, stories de-
signed for business use only shall be governed by
the business district setback; stories designed for
any residential use whatsoever shall be governed
by the setbacks applicable to residence district "C".*
(Ord. No. 3-60, § 3, 3-29-60)

(2) All buildings hereafter erected in the business dis-
trict shall be set back so as to provide at least a
ten-foot walkway in front of such building.
[Amended by Ord. No. 5-55]

(D) Parking requirements for apartment houses and hotels
hereafter erected:

Off-street parking space shall be provided in accord-
ance with the provisions of section 33-10.1 of this Code.†
[Added by Ord. No. 1-54. Amended by Ord. No. 2-61,
§ 4, 5-9-61]

(E) Conditional use:

(1) When, after a review of an application and a hear-
ing thereon, the town council finds as a fact that
the proposed use is consistent with the general
zoning plan and with the definition of such lot as
herein contained, an auto rental lot may be per-
mitted. No auto rental lot not in existence at the
time ordinance number 9-57 took effect shall be
established or maintained within twelve hundred
feet of any other auto rental lot. Prior to the issu-
ance of a permit for the use of any property as an

*Amendment note—Section 3 of Ord. No. 3-60, enacted March 29,
1960, amended § 33-10(C)(1) by adding thereto the sentence "In cases
where ... to residence district "C.""
†Amendment note—Ord. No. 2-61, § 4, amended § 33-10(D) to read
as here set out. Previously, it had imposed the same requirements as for
residence district "C" and was inconsistent with and superseded by §
33-10.1.
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§ 33-10.1 Off-street parking space.

(a) For the purpose of this section, the term "off-street parking space" shall consist of a parking space having minimum dimensions of ten feet (10') in width by twenty feet (20') in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width of an access drive shall be ten feet (10'). Minimum width of an aisle designed and intended for the maneuvering of an automobile into a parking space shall be twenty feet (20'). Except in cases of parking garages with full-time attendants, the parking plan must be so arranged that each automobile may be placed and removed from the parking space assigned thereto and taken to and from the property without the necessity of mov-
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ing any other automobile to complete the maneuver. In the case of a parking garage with a full-time attendant, not more than two (2) cars may be parked in tandem.

Set-back areas may be used for off-street parking; provided, however, that access drives or aisles and turning spaces shall be located within the lot lines. Street and/or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall not exceed a maximum of fourteen feet (14') each, the number and placement of such drives to be subject to the approval of the superintendent of public works before being installed.

Nothing in this section is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery. *(Ord. No. 12-59, § 1, 11-10-59; Ord. No. 8-62, § 3, 8-9-62)*

(b) There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, minimum off-street automobile parking space with adequate provisions for ingress and egress by an automobile of standard size, in accordance with the following requirements:

(1) **Dwelling structures:** two (2) spaces for each single family dwelling structure and two (2) spaces for each dwelling unit of a duplex or multiple family dwelling structure. *(Ord. No. 3-60, § 10, 3-29-60; Ord. No. 3-66, § 6, 4-12-66; Ord. No. 8-66, § 6, 7-12-66)*

*Amendment note—Ord. No. 12-59, § 1, enacted November 10, 1959, amended § 33-10.1(a) by adding thereto the second paragraph. Ord. No. 8-62, § 3, enacted August 9, 1962, amended said subsection by broadening the provisions and specifying dimensions of off-street parking places.

†Amendment note—Ord. No. 3-60, § 1, enacted March 29, 1960 amended § 33-10.1(b)(1) by deleting the words "one space" and inserting in lieu thereof the words "one and one-half spaces" for duplex or multiple dwellings. Ord. No. 3-66, § 6, enacted April 12, 1966 and Ord. No. 8-66, § 6, adopted and effective July 12, 1966, amended said subparagraph by changing the words "one and one-half spaces" to "two spaces."

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(2) Churches or other places of worship: one space for each ten permanent seats in the main auditorium.

(3) Country, golf, surf club: one space for each five members.

(4) General business, commercial or personal service establishments: one space for each five hundred square feet of nonstorage first floor area, plus one space for each three hundred square feet of nonstorage area above the first floor.

(5) Hotels:* one space for each two bedrooms. (Ord. No. 3-66, § 7, 4-12-66; Ord. No. 8-66, § 7, 7-12-66)

(6) Reserved.†

(7) Hospitals: one space for each six patient beds, exclusive of spaces required for doctors, attendants, nurses and ambulances.

(8) Libraries, museums: a parking area equal to fifty percent of the floor area open to the public.

(9) Medical or dental offices or clinics: three spaces for each doctor or dentist.

(10) Motels: one space for each sleeping room plus one space for the manager.

(11) Office buildings: one space for each five hundred square feet of gross floor area.

(12) Private club: one space for each ten members.

(13) Restaurants, nightclubs, tearooms, or other eating places: one space for each four seats.

(14) Rooming, boardinghouses, dormitories: one space for each four beds.

(15) Theaters, auditoriums: one space for each five seats.

(c) Location of parking spaces.

(1) Parking spaces for all dwelling structures shall be located on the same lot with the main building to be served where feasible.

*Amendment note—Ord. No. 3-66, § 7, enacted April 12, 1966, and Ord. No. 8-66, § 7, adopted and effective July 12, 1966, amended § 33-10.1(b)(5) by changing the words “four bedrooms” to “two bedrooms.”

†Amendment note—Ord. No. 3-66, § 8, adopted April 12, 1966, and Ord. No. 8-66, § 8, adopted and effective July 12, 1966, amended § 33-10.1 by deleting subsection (b)(6) relating to apartment hotels, which subsection has been reserved by the editors for future use.

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(2) Parking spaces for other uses shall be provided on the same lot or not more than five hundred feet distant, as measured along the nearest pedestrian walkway.

(3) Parking requirements for two or more uses, of the same or different type, may be satisfied by the allocation of the required number of spaces of each use in a common parking facility.

(d) The plan for ingress and egress to and from the off-street parking area shall be subject to the approval of the superintendent of public works of the town. No curbs or sidewalks may be cut or altered in any manner without a permit from the superintendent of public works of the town. (Ord. No. 12-59, § 2, 11-10-59)

Sec. 33-11. Miscellaneous general regulations.

(A) Dust, odors, noises:

No building shall be erected, arranged or altered anywhere in the 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.

(B) Public garages, filling stations, undertakers; location consent of property owner; proximity to schools, etc.:

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 salesroom where motor vehicles are kept for sale or demonstration purposes only or storage garage), or as 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 of the property within a radius of two hundred 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

*Amendment note—Ord. No. 12-59, § 2, enacted November 10, 1959 amended § 33-10.1 by adding subsection (d).

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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 three hundred fifty yards of any
church, hospital, school or other such institution where
large numbers of pedestrians congregate; provided,
further, that no public garage or public service station
shall be located within a distance of twelve hundred
feet from any other public garage or public service
station located within the town. In computing distances
hereunder, such distances shall be measured on an
airline between the points in question. [Amended by
Ord. No. 2-53]

(C) Stands and open counters for feeding, drinking, etc.;
location:

No stands or open counters for feeding, drinking
or other purposes shall be erected or permitted any­
where in the town unless the same be within a build­
ing; provided, however, stands or open counters for
feeding, drinking or other purposes may be erected
or permitted in business districts in those places, and
under such condition, 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. [Added by
Ord. No. 6-49]

(D) Structures over Lake Worth:

No structures shall be erected or constructed over
the waters of Lake Worth except docks.* (Ord. No.
3-60, § 8, 3-29-60)

*Amendment note—Section 11 of Ord. No. 3-60, enacted March 20,
1960, amended § 3-11(D) by deleting the words “boathouses and yacht
club buildings.”
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(E) Structures west of Lake Trail:

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

(F) Walls, fences, hedges, etc., along Lake Trail:

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

(G) Sleeping room specifications:

Every room in every building of the town used for sleeping purpose shall have a width of not less than eight feet, a floor area exclusive of closets, bathrooms, etc., of not less than ninety-six square feet, and a frontage height of not less than seven feet; there shall be at least fifty square feet of floor area in such room for each person sleeping therein at any one time. Rooms, the floor of which is more than two feet below grade, or rooms which open directly onto a hotel or restaurant kitchen shall not be used for sleeping purposes. [Amended by Ord. No. 5-55]

(H) Excessive number of persons in residence district “A” or beach district:

(1) 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 chapter.

(2) 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 such districts, to use or to allow such property or residence to be used for the purpose of holding conventions or entertaining more or less contin-
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Usually a larger number of persons than such property or residence is zoned for or usually accommodates.

(3) 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, or to the guests of a 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 chapter.

(I) *Projections into yard areas:*

(1) Class "A" residence district.

(a) In class "A" residence district, chimneys and bay windows shall not exceed ten (10) feet in horizontal dimensions, measured parallel to the building wall, and the total lineal dimension for such projection shall not exceed twenty-five per cent (25%) of the total dimension along the building wall from which such chimney and/or bay window may project.* (Ord. No. 3-66, § 12, 4-12-66; Ord. No. 8-66, § 12, 7-12-66)

(b) First floor entrance platforms, open porches, or steps, may extend six 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 fifty feet or less in width, a porte cochere of either permanent construction or of sound temporary construction which is not more than twenty-two feet in length,

*Amendment note—Ord. No. 3-66, § 12, adopted April 12, 1966, and Ord. No. 8-66, § 12, adopted and effective July 12, 1966, amended § 33-11(I)(3)(a). Prior to amendment the subparagraph covered cornices, eaves and balconies in addition to chimneys and bay windows, all of which were permitted to extend twenty-four inches from the main building into the yard area.

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may project over any side or rear yard, but not closer than two 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.

(2) Class "C" and "D" apartment and hotel district.

(a) In apartment and hotel district, cornices, open balconies, chimneys and fire escapes may extend forty-eight (48) inches from the main building into any yard areas.* (Ord. No. 3-66, § 9, 4-12-66; Ord. No. 8-66, § 9, 7-12-66)

(b) In the case of a building being constructed in compliance with Residence "D" regulations as set forth in section 33-8(B) (4) hereof, cornices, open balconies, eaves and fire escapes may extend ninety-six (96) inches into any yard area.† (Ord. No. 3-66, § 10, 4-12-66; Ord. No. 8-66, § 10, 7-12-66)

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

(d) Railings and decorative screens and other architectural features projecting into the side yard or front yard areas shall be perforated in a manner so that any vertical projection


†Amendment note—Ord. No. 3-66, § 10, adopted April 12, 1966, and Ord. No. 8-66, § 10, adopted and effective July 12, 1966, amended § 33-11(I)(2)(b) by completely revising the subparagraph. Prior to amendment first floor entrance platforms, open porches, open balconies, canopies and architectural features were permitted to extend six feet into the front and street area provided no closed part exceeded four feet in height above the average lot level.

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is at least fifty per cent (50%) open in area in a vertical plane at any given point. * (Ord. No. 3-60, § 2, 3-29-60)

(3) Business district.

(a) In business district, cornices, solid canopies, or architectural features may extend forty-eight inches over the sidewalk area, provided it shall have nine feet between any solid construction and the sidewalk.

(b) Marquees, or canvas covered fire proof canopies over main entrances to hotels, theaters, and public places may extend to the face of the curb, provided no support shall be nearer than eighteen inches from the face of the curb, and nine 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 nine feet clearance when up.

(d) 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 eighteen feet above mean low water. This subsection (d) shall not be applicable to beach district, which is governed by subsection (A) of section 33-9. [Amended by Ord. No. 9-48, and Ord. No. 4-49]

(4) Reserved.†

*Amendment note—Ord. No. 3-60, § 2, adopted March 29, 1960 amended § 33-11(1)(2) by adding subsection (d).
†Amendment note—Section 33-11(4) pertaining to chimney and bay windows in all districts, derived from Ord. No. 3-60, § 1, adopted March 29, 1960, was repealed by Ord. No. 3-66, § 11, adopted April 4, 1966, and Ord. No. 8-66, § 5, adopted and effective July 12, 1966.
(J) **Set back and projection requirements for residence in business district:**

The provisions of this chapter governing setbacks and projection laws applicable to buildings in residence district “C” and “D” shall likewise apply in the business district when a building is constructed in the business district for a use allowed in residence district “C”. Said residence district “C” setback and projection provisions shall likewise apply to any story or portion of a story of a building constructed in the business district for a use allowed in residence districts “C” or “D”.* [Added by Ord. No. 5-55] (Ord. No. 3-60, § 4, 3-29-60)

(K) **Setback in Singer Addition:**

Buildings on lots in Singer Addition to the town, according to the plat thereof recorded in Plat Book 8, page 81, facing County Road, heretofore or hereafter constructed not closer than twenty-five feet from the east side of the sidewalk westerly of such lots is in compliance with the zoning ordinances of the town. [Added by Ord. No. 19-50.]

(L) **Exceptions to height limits, determining height:**

Structures for the housing of elevators, stairways, tanks, skylights, ventilating fans, air conditioning or similar equipment required to operate and maintain the building, radio and television antenae for reception purposes only, church steeples, flag poles and chimneys may be erected above the height limits prescribed by this chapter.

The height of all buildings shall be measured from the grade established by the town for the crown of the public street or road at its highest elevation abutting the property, or in the event such elevation is below Plus 7 1/2 feet U.S.C. & G.S. datum, then it shall be measured from Plus 7 1/2 feet U.S.C. & G.S. datum. [Added by Ord. No. 1-54.]

*Amendment note—Section 4 of Ord. No. 3-60, enacted March 29, 1960, amended § 33-11(J) by adding the sentence “Said residence district .... districts “C” or “D”, as hereinabove set out. Supp. No. 6 589
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When any building is constructed on a tract of land extending from the ocean or Ocean Boulevard, as the case may be, to State Road A-1-A, the portion of the building fronting on State Road A-1-A shall measure its height with respect to the elevation of State Road A-1-A, and the portion of the building fronting on the ocean or Ocean Boulevard shall measure its height from the elevation prescribed for buildings fronting on the ocean or Ocean Boulevard, as the case may be.* (Ord. No. 3-60, § 6, 3-29-60.)

(M) **Structures east of ocean bulkhead line:**

No structures shall be erected in the town east of the town's bulkhead line along the ocean front. [Added by Ord. No. 5-55.]

(N) **Signs, requirements south of Sloan property on A-1-A:**

It shall be unlawful for any person to construct, erect or maintain any sign or signs along that portion of South Ocean Boulevard and State Road A-1-A lying south of the so-called Sloan property (being Lot 108 and part of Lot 109 of PALM BEACH ESTATES, in Section 11, Township 44 South, Range 43 East) except upon full compliance with the following requirements:

1. No sign shall be permitted on unimproved property.
2. Signs shall only be permitted upon property zoned as business district, residence district “C” or residence district “D”.
3. Not more than one sign shall be erected on the east and west sides of any parcel of land.
4. No sign along State Road A-1-A shall exceed twenty square feet in area, and no sign along South Ocean Boulevard shall exceed ten square feet in area.
5. No sign shall be erected nearer than fifteen feet of the paving along South Ocean Boulevard, and

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*Amendment note—Section 6 of Ord. No. 3-60, enacted March 29, 1960, amended § 33-11(L) of this Code by adding the last paragraph “When any building... fronting on the ocean or Ocean Boulevard, as the case may be,” as heretofore set out.

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no sign shall be erected within the right-of-way of State Road A-1-A.

(6) Supporting structures for any sign shall not be included in determining the square foot area of the sign provided that such supporting structure shall not exceed the maximum allowable sign area and shall not carry any lettering.

(7) No sign shall be lighted with flashing lights.

(8) Before a permit for the construction or erection of any sign shall be issued, the plans and specifications for the construction, design and lighting therefor must first be submitted to and approved by the town council.

(9) Any sign constructed hereunder must be constructed in full accordance with the applicable ordinances of the town.

(10) No sign shall be erected on the west side of State Road A-1-A except upon improved property and such sign shall relate to the improvements existing upon said property west of State Road A-1-A. [Added by Ord. No. 17-51, and Ord. No. 7-55.]

(0) Auto rental lots:

On auto rental lots an office structure which shall include toilet facilities shall be erected. One gas pump for the sole purpose of serving the rental vehicles owned by licensee may be installed. Such pump shall be located not more than ten feet from the designated rear lot line. Where one or more lot lines abut a residential district a wall not less than five feet in height shall be erected along such line. No repairing, washing, or lubrication of automobiles shall be permitted, and no automobiles shall be sold or held for sale. [Added by Ord. No. 9-57.]

(P) Basements:

Any excess area in a basement over that required for parking the number of automobiles required by this chapter and for furnace and other utility purposes may be used for entrance lobbies, newsstands,
dining rooms or other similar purposes for the convenience of the guests of the main building. Entrance to such basement for automobiles shall not be on the street side if practicable to enter otherwise. In residence “C” district all shops shall be entirely within such basement and shall have no direct street entrance nor have any exterior display of goods or advertising. [Redefined by Ord. No. 7-52] (Ord. No. 1-47, § 7)

(Q) Swimming pools:
Swimming pools may be constructed within yard areas prescribed by this Code; provided, however, that no part of the pool structure may protrude more than six inches above ground level. [Added by Ord. No. 2-60, § 1, 3-8-60]

Sec. 33-12. Nonconforming uses.
(A) Continuance of existing use of building:
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 ordinance number 1-47) existing at the time of the passage of ordinance number 1-47 shall not be affected by this chapter, although such use does not conform to the provisions of this chapter; 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 nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of not less than one hundred and eighty days, exclusive of seasonal closings, every future use of such premises shall be in conformity with the provisions of this chapter.

(B) Continuance of existing use of land:
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 ordinance number 1-47)
existing at the time of the passage of ordinance number 1-47, although such use does not conform to the provisions of this chapter shall not be affected by this chapter; provided, however, no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of ordinance number 1-47. If such nonconforming use is discontinued for a period of not less than one hundred days, seasonal nonuse excluded, any future use of such land shall be in conformity with the provisions of this chapter. 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 nonconforming use of “land” shall be discontinued and all material completely removed by its owner not later than three years from the date of the passage of ordinance number 1-47. Auto parking lots now being operated in residence districts “A” or “C” under the town ordinances as they existed at the time of passage of ordinance number 1-47 are not intended to be included in the above classifications but shall be maintained, continued or discontinued in accordance with the then existing town ordinances relating thereto.

(C) Changing to the same or higher classification:

If no structural alterations are made, a nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter. When a district shall hereafter be changed, any then existing nonconforming 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 nonconforming 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 nonconforming use of a lower classification.
(D) Restoration of partially destroyed building:
Nothing in this chapter shall be taken to prevent the restoration of a building destroyed to the extent of not more than seventy-five 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. (Ord. No. 1-47, § 8)

Sec. 33-13. Certificates of occupancy.

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 chapter 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 ordinance number 1-47 certifying after inspecting the use of the building or premises and whether such conforms to the provision of this chapter. (Ord. No. 1-47, § 9)

Sec. 33-14. Special exceptions to provisions of chapter.

(A) Application, when to be granted:

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

(B) Matters to be considered:

In considering all proposed variations to this chapter 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.

(C) Procedure, hearing:

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 such application and endorse his recommendations thereon. Thereupon a copy of such 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 such 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 such application and the date of the hearing, directed "To all to whom it may concern"; such notice shall be published for two insertions, seven days apart, the first to be at least ten 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 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. (Ord. No. 1-47, § 10)
(D) Filing fee:

Upon filing the application, the applicant shall deposit with the building inspector the sum of twenty-five dollars ($25.00), together with a sum sufficient to pay publication costs of the notice required to be published. (Ord. No. 1-47, § 10; Ord. No. 9-59, § 1)

Amendment note—Ord. No. 9-59 enacted July 14, 1959, amended § 33-14 of this Code to add paragraph (D) as heretabofe set out.
Sec. 33-15. Plats, subdivisions—Submission for approval.

(A) Submission, endorsements, acceptance:

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) Plat to accompany application:

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 chapter. 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 nonconforming use, the application shall be accompanied by an affidavit giving the description of the premises owned at the date of the passage of this chapter. (Ord. No. 1-47, § 11)

Charter reference—For such requirement, see § 167.
Sec. 33-16. Same—Street and sewer requirements.

Where it is proposed to subdivide any lands in the town into lots for sale to the public, the following shall be the minimum requirements for the development of such subdivision, and no plat of such subdivision shall be accepted or approved by the town authorities unless it appears on the face of such plat that the requirements of this section have been complied with to the extent that such requirements may be made to appear upon such plat:

(A) Street width, curb, gutters:

The width of all streets in subdivisions shall be not less than thirty feet; and radius at all intersections shall be not less than twenty-five feet. Each street shall have not less than twenty-four feet of pavement to be confined by standard concrete curb and gutters, with proper catch basins. Concrete headers may be substituted for curb and gutters only where contour provides adequate drainage, and then only upon the approval of the town council.

(B) Materials:

The paved portion of the streets shall contain a minimum of six inches of compacted local lime rock, properly water-bound and finished and treated with the standard slag surfacing or other comparable wear resisting material according to the department of public works specifications for new work. Where the street is to be subject to heavy traffic, the superintendent of public works may, in his discretion, require eight inches of compacted rock to be placed and rolled in both instances with a roller of a minimum weight of seven, and a maximum weight of ten tons. Concrete roads, and any other type of class A pavement of the minimum width, and built upon good engineering principles, may be substituted in lieu of the above mentioned rock roads.
(C) Alley and utility easements:

A minimum of two and one-half feet shall be reserved at the rear of all lots for public alleys and utilities, and the deduction thereof shall appear on the face of the plat. In the event a street is paved to the full dedicated width, a minimum of three feet of land shall be dedicated on each side of such street between the curbs or headers and the lot line, to be used for street lighting cables, and no wall, trees, fences or similar structures or growth shall be allowed or placed on or over such easement.

(D) Sewer requirements:

Sanitary sewers shall be so laid out and designed as to fit into the general sewage disposal system of the town. The location of the sewer lines shall be shown upon all plats. The following specifications shall be observed in the construction of sanitary sewers:

(1) Only double strength vitrified tile pipe of a minimum diameter of ten inches shall be used.

(2) Pipe shall be laid true to line and grade, and inspected before backfilling, by the department of public works. Palm Beach type cloth concrete grout joints shall be used.

(3) Sewers shall be covered to a minimum depth of three feet. Where due to particular conditions or elevations, it is necessary to vary this requirement, it shall be done only upon the written approval of the department of public works.

(4) All sewers shall be constructed on a minimum grade of not less than two-tenths foot per one hundred feet of length, and not more than seven-tenths foot per one hundred feet of length.

(5) Manholes shall be placed at least every two hundred fifty feet in the main sewer lines. Manholes shall be constructed of brick, plastered with ce-
ment plaster on both sides; castings, covers and steps shall conform to good design. Outfalls for sewers from septic tanks shall be properly designed as to size, grade and alignment. Should the outfall pass through natural rock strata, the pipe shall rest on six inches of sand, and shall be covered with at least twelve inches of sand, with the remaining back filled with unclassified material. Where there is no main line to empty into, the outfall sewers shall extend into Lake Worth a distance of at least twenty-five feet, and shall be below the level of the lowest tide. Such outfall extension shall be properly designed, and shall have the approval of the department of public works both as to method of construction and length.

(E) No plat of a subdivision within the Town of Palm Beach shall be approved unless all streets therein shall be dedicated as public streets. (Code 1947, ch. 30, § 29; Ord. No. 12-57, § 1, 5-14-57)

Sec. 33-17. Enforcement, violations, penalties.

(A) Enforcing officers, abatement of illegal conditions:

This chapter shall be enforced by the town building inspector and/or the town council of the town. The building inspector of the town is hereby authorized to cause any building, structure, 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 chapter; 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
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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 chapter 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 chapter, in the respect named in this chapter shall be guilty of a misdemeanor, and shall be punished as hereinafter provided. 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 chapter. 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 the town for any violation actually committed.

(B) Penalty:

Any person found guilty of violating any of the provisions of this chapter relating to the use and occupancy of property shall, upon conviction, be punished as provided in section 1-9 of this Code. Each day’s violation of any of the provisions of this chapter or any zoning ordinance of the town regarding the use and occupancy of lands shall constitute a separate offense and shall be punished accordingly.
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(C) Violation by tenant or lessee:

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

(D) Intoxicating liquor provisions excluded:

Zoning ordinances relating to the sale of intoxicating liquors are intentionally omitted herefrom, and this chapter shall not be deemed to in any way repeal, alter or modify any existing zoning ordinance or regulation in regard thereto. (Ord. No. 1-47, § 14)

*Cross reference—For regulations governing alcoholic beverages generally, see ch. 4.

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This pamphlet index is set up to conform to the index in the Code of Ordinances for future amendatory purposes.
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