

PLANNING AND ZONING BOARD
Regular Meeting
May 24, 2023
6:30 P.M.
247 Edwards Lane / Palm Beach Shores, FL 33404

Chairman Jerald Cohn
Vice Chairman Kevin Banks

Member Tim Blash
Member Tony Lembo
Member Steve Smith
Alternate Member Weston Gracida
Alternate Member (Open Seat)

Town Attorney, Mitty Barnard
Josh Nichols, Zoning Official
Rob Rennebaum, Engineer
Town Clerk, Jude M. Goudreau

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m08ef4dfdce0d4bc5108aa41fa9ca56b8>

Meeting number: 2633 820 4816

Password: 0524

Join by phone +1-408-418-9388 United States Toll

Access code: 2633 820 4816

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll Call

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

3. CONSENT AGENDA:

- a. Approve the Planning & Zoning Board Meeting Minutes for March 22, 2023
- b. Approve the Planning & Zoning Board Meeting Minutes for April 26, 2023
- c. Approve the LPA Meeting Minutes for April 26, 2023
- d. Approve the Reorganization Meeting Minutes for April 26, 2023

4. ACTION ITEMS:

- a. **SPM22-11/AAR22-11**, Kannega Glades LLC, Owner of 123 Ocean Avenue 101, requests request a 6-month extension on their Site Plan Approval originally approved by the Planning & Zoning Board at the November 30, 2022 Regular Meeting.

5. PUBLIC COMMENT:

6. DISCUSSION ITEMS:

7. ADJOURNMENT:

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

PLANNING AND ZONING BOARD
REGULAR MEETING
MINUTES
March 22, 2023

CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Jerald Cohn. The meeting was held in the Commission Chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Jude Goudreau called the roll, and those present were Chairman Jerald Cohn, Vice Chairman Tim Blash, Members Tony Lembo, Kevin Banks, and Steve Smith. Also present were the Town Attorney Mitty Barnard, Zoning Official Josh Nichols, and Engineer Rob Rennebaum.

APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

MOTION: Member Kevin made a motion to approve the meeting agenda.

SECOND AND VOTE: Vice Chairman Tim Blash seconded the motion, which passed unanimously by those present.

ACTION ITEMS:

- a. SPR23-03/AAR23-03:** Steven Moberg, Owner of 207 Cascade Lane, requests Site Plan and Architectural & Aesthetic Approval to construct a garage addition and screened in porch, modify the existing roof to include a steeper roof pitch and install a pool with paver deck and associated pool equipment and landscaping on the property.

Mr. Moberg was present and sworn in by the Town Attorney, Mitty Barnard. Ex Parte communications were solicited from the Board by Town Attorney, Mitty Barnard. Mr. Moberg gave a brief overview of the project and after a brief discussion, answered the Board's questions. Staff Members Josh Nichols, Mitty Barnard, and Rob Rennebaum provided comments and recommended conditions of approval. Public comment was solicited from both in person attendees and Webex attendees; there was no public comment. Chairman Cohn closed public comment.

Motion: Member Tony Lembo made a motion to approve SPR23-03/AAR23-03 with the following conditions:

1. The landscaping shall be installed pursuant to the landscape plan approved by the Planning & Zoning Board. Alternatively, a maximum of five percent (5%) of the landscape species may be substituted subject to Zoning Official review and approval. Substitutions greater than five percent (5%) must be reviewed through a site plan modification by the Development Review Committee and Planning and Zoning Board.
2. Prior to final inspection of the landscaping by the Town and prior to issuance of a Certificate of Occupancy ("C.O."), the Applicant shall submit a final certification letter indicating that the landscaping has been installed in substantial accordance with the approved plans.
3. Prior to issuance of building permits, the landscape plan shall be updated to clearly indicate the three (3) palms to be installed within the 10' Town Strip and three (3) trees within the front yard.
4. Specifications and cross section of pervious pavers to be provided with building permit application. Engineer to be notified during construction prior to pavement placement to observe the base rock.
5. No stormflows to reach adjacent properties.
6. Town Engineer to visit site upon completion to insure conformance with Town Requirements prior to issuance of final C.O.

Second: Vice Chairman Tim Blash seconded the motion. Motion carried 5-0.

- b. SPR23-04/AAR23-04:** Keith Dorman, Owner of 227 Edwards Lane, requests Site Plan Review and Architectural & Aesthetic Approval to remove an existing office addition and shed from the rear of the property

and construct a new office, bedroom, living space and garage addition, as well as a pool, patio and pavilion on the property.

Mr. Dorman and his Architect, Amanda McNally were present and sworn in by Town Attorney, Mitty Barnard. Ex Parte communications were solicited from the Board by Town Attorney, Mitty Barnard. Mr. Dorman and Ms. McNally gave a brief overview of the project and after a brief discussion, answered the Board's questions. Staff Members Josh Nichols, Mitty Barnard, and Rob Rennebaum provided comments and recommended conditions of approval. Public comment was solicited from both in person attendees and Webex attendees. Chairman Cohn closed public comment.

Motion: Member Kevin Banks made a motion to approve SPR23-04/AAR23-04 with the following conditions:

1. The landscaping shall be installed pursuant to the landscape plan approved by the Planning and Zoning Board. Alternatively, a maximum of five percent (5%) of the landscape species may be substituted subject to Zoning Official review and approval. Substitutions greater than five percent (5%) must be reviewed through a site plan modification by the Development Review Committee and Planning and Zoning Board.
2. Prior to final inspection of the landscaping by the Town and prior to issuance of a Certificate of Occupancy ("C.O."), the Applicant shall submit a final certification letter indicating that the landscaping has been installed in substantial accordance with the approved plans.
3. Prior to issuance of building permit, the Applicant shall provide full set of updated electronic documents with the comment box labels removed from all sheets.
4. No stormflows to reach adjacent properties.
5. Town Engineer to be notified during construction to observe exfiltration trench prior to backfill and to observe final grading prior to landscape installation.
6. Applicant's Engineer shall be responsible for ensuring the drainage improvements are completed in substantial accordance with the approved plan.
7. Prior to C.O., Applicant's Engineer to provide final signed and sealed certification that the drainage improvements and grading have been completed in substantial accordance with the approved plan.
8. Upon receipt of final Certification from Engineer, Town Engineer to visit site and insure conformance of Town requirements prior to issuance of final C.O.

Second: Vice Chairman Tim Blash seconded the motion. Motion carried 5-0.

- c. **SE22-01**, Mayan Towers Condominium 1, Inc., as Owner of 125 Ocean Avenue, and DISH Wireless, LLC as Applicant, request Special Exception use approval to allow for a "telecommunications antenna" installed at a mount elevation of 91.5± feet on the rooftop of the existing condominium building.

Representative from Dish Wireless, LLC Attorney Patton Hahn, was sworn in by Town Attorney Mitty Barnard. Ex Parte communications were solicited from the Board by Town Attorney, Mitty Barnard. Attorney Barnard provided preparatory remark to the Board regarding the quasi-judicial process and Special Exception criteria from the Code of Ordinance that must be satisfied by the applicant. Attorney Barnard answered the Board's questions.

Mr. Hahn gave an overview of the project and responded to the Board's questions. Member Kevin Banks asked for clarification on how the project would improve the community and questioned the reference made to the EME Report. Mr. Hahn said the report was intended to be included in the application, but the Board had not received it. Attorney Barnard allowed the report to be entered into the record.

Public comment was solicited from both in person attendees and Webex attendees. Public comment was provided in opposition to the project from Paula Marra, Attorney for The Atrium Condominium, Patricia Brosemer, Paul Setzer, Denise Quigley, Kevin Murphy, Ollie Klein, Michael Jutt, Joyce Murphy who presented a petition with signatures opposing the project, Stan (inaudible), Alfred Myers, Laura Mochi, Meredith D'Andrea, Joe Gibbins, Vince Gentiles, Public comment was provided in support of the project: Myra Koutzen and Kathleen McGahran. Chairman Cohn closed public comment at 7:48 p.m.

Attorney Hahn was provided an opportunity to respond to the public comments provided and answered additional questions from the Board.

Motion: Member Kevin Banks made a motion to recommend denial of SE22-01 because the applicant has failed to meet the standards set forth at Pf. 15.7(f). of the Town Zoning Code that “the proposed use will not endanger, restrict or impair public safety.”

Second: Vice Chairman Tim Blash Lembo seconded the motion. Motion carried 5-0

PUBLIC COMMENT: None

DISCUSSION ITEMS:

- a. Discussion of Code revision regarding artificial turf (*by Chairman Cohn*).
The Board discussed additional revisions to the Code regarding artificial turf and directed staff to bring a draft ordinance for Local Planning Agency action in April.

ADJOURNMENT:

MOTION, SECOND AND VOTE: Member Kevin Banks moved to adjourn the meeting with Member Steve Smith seconding the motion, which passed unanimously. The meeting was adjourned at 8:44 p.m.

APPROVED this 24th day of May, 2023.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

PLANNING AND ZONING BOARD
REGULAR MEETING
MINUTES
April 26, 2023
Immediately Following the Reorganization Meeting

CALL TO ORDER

The meeting was called to order at 6:38 p.m. by Chairman Jerald Cohn. The meeting was held in the Commission Chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Jude Goudreau called the roll, and those present were Chairman Jerald Cohn, Vice Chairman Kevin Banks and Members Tim Blash, Tony Lembo, and Steve Smith. Also present were the Town Attorney Mitty Barnard, Engineer Rob Rennebaum and Zoning Official Josh Nichols.

APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

MOTION: Member Tony Lembo made a motion to approve the meeting agenda as written.

SECOND AND VOTE: Vice Chairman Kevin Banks seconded the motion, which passed unanimously by those present.

CONSENT AGENDA:

a. Approve the February 22, 2023, P&Z Board Meeting Minutes.

MOTION: Member Tim Blash made a motion to approve the consent agenda.

SECOND AND VOTE: Vice Chairman Kevin Banks seconded the motion, which passed unanimously by those present.

ACTION ITEMS:

a. **SPR23-01/AAR23-01:** Elena Macchitto, Owner of 226 Bamboo Road, requests Site Plan Review and Architectural & Aesthetic Approval to install a pool and paver pool deck on the property.

James Palmer, Representative for Van Kirk Pools, was present and sworn in by Attorney Barnard. Ex Parte communications were solicited from the Board by the Town Attorney. Mr. Palmer gave a brief overview of the project and after a brief discussion, answered the Board's questions. Staff Members Josh Nichols, Mitty Barnard, and Rob Rennebaum provided comments and recommended conditions of approval. Public comment was solicited from both in person attendees and Webex attendees; there was no public comment. Chairman Cohn closed public comment.

MOTION: Vice Chairman Kevin Banks made a motion to approve SPR23-01/AAR23-01 with the following conditions:

1. No discharge from pool dewatering will be permitted to leave the site unless directed by hose to an existing catch basin. Contractor to ensure no water from dewatering operations is allowed to stand on Town Roads.
2. The swale must be constructed to ensure a minimum of 75 CF of storage is provided. This swale must be coordinated with engineer, contractor, and landscape contractor to consider existing and proposed landscape material.
3. Yard areas/site to be graded to ensure that no stormwater runoff flows to adjacent properties.
4. Upon rough-grading of swale and prior to installation of landscaping, Town Engineer to be notified to inspect swale grading prior to placement of sod.
5. Wayne Bennett, P.E. shall be responsible for ensuring the drainage improvements are completed in substantial accordance with the approved plan.
6. Prior to C.O., Wayne Bennett, P.E. to provide final signed and sealed certification that the drainage improvements and grading have been completed in substantial accordance with the approved plan.
7. Upon receipt of final Certification from Wayne Bennett, P.E., Town Engineer to visit site and

insure conformance of Town requirements prior to issuance of final C.O.

SECOND AND VOTE: Member Tony Lembo seconded the motion, which passed unanimously by those present.

- b. **SPR23-05/AAR23-05:** Sharon Kubu, Owner of 331 Blossom Lane, requests Site Plan Review and Architectural & Aesthetic Approval to install a 12' by 16' patio cover in the rear of the home on an existing slab.

Sharon Kubu was present and sworn in by Attorney Barnard. Ex Parte communications were solicited from the Board by the Town Attorney. Ms. Kubu gave a brief overview of the project and after a brief discussion, answered the Board's questions. Staff Members Josh Nichols, Mitty Barnard, and Rob Rennebaum provided comments and recommended conditions of approval. Public comment was solicited from both in person attendees and Webex attendees; there was no public comment. Chairman Cohn closed public comment.

MOTION: Vice Chairman Kevin Banks made a motion to approve SPR23-05/AAR23-05 with the following conditions:

1. Applicant shall revise all documents and plans to reflect the updated building coverage prior to issuance of a building permit.
2. Applicant shall ensure that the patio cover is not located in any required setbacks and shall submit a revised site plan depicting the location of the patio cover in compliance with Town Code prior to issuance of a building.

SECOND AND VOTE: Member Tim Blash seconded the motion, which passed unanimously by those present.

- c. **VAR23-02:** 300 Linda Lane LLC, Owner of 300 Linda Lane, requests Variance Approval for a variance from Pf. 12.8(a) & (b) to allow for installation of an emergency generator forward of the mid-point of the principle structure where Town Code requires the generator to be located between the mid-point of the principle structure and rear lot line and a to allow a reduced setback of two (2) feet where Town Code requires five (5) feet.

Ann Marie Levine was present and sworn in by Attorney Barnard. Ex Parte communications were solicited from the Board by the Town Attorney. Ms. Levine gave a brief overview of the project and after a brief discussion, answered the Board's questions. Staff Members Josh Nichols, Mitty Barnard, and Rob Rennebaum provided comments. Public comment was solicited from both in person attendees and Webex attendees; there was no public comment. Chairman Cohn closed public comment.

MOTION: Member Steve Smith made a motion to recommend approval of Variance Request VAR23-02.

SECOND AND VOTE: Member Tim Blash seconded the motion. Motion passed 4-1 with Vice Chairman Kevin Banks dissenting.

- d. **SPR23-06/AAR23-06:** 300 Linda Lane LLC, Owner of 300 Linda Lane, requests Site Plan Review and Architectural & Aesthetic Approval to allow for the installation of an emergency generator on the east side of the onsite structure.

Ann Marie Levine was present and sworn in by Attorney Barnard. Ex Parte communications were solicited from the Board by the Town Attorney. Ms. Levine gave a brief overview of the project and after a brief discussion, answered the Board's questions. Staff Members Josh Nichols, Mitty Barnard, and Rob Rennebaum provided comments and recommended conditions of approval. Public comment was solicited from both in person attendees and Webex attendees; there was no public comment. Chairman Cohn closed public comment.

MOTION: Vice Chairman Kevin Banks made a motion to approve SPR23-06/AAR23-06 with the following condition:

1. Site plan approval is contingent upon variance approval by the Town Commission; or in the alternative that the Owner relocate existing air conditioning units to the side yard beyond the midpoint of the house and locate the emergency generator in the current air conditioning unit location at the rear of the house and submit a site plan confirming such.

SECOND AND VOTE: Member Tony Lembo seconded the motion, which passed unanimously by those present.

- e. **SPR23-07/AAR23-07:** Norman Lewis, Owner of 327 Bravado Lane, requests Site Plan Review and Architectural & Aesthetic Approval to demolish the existing home and construct a new 2,269 square foot single-story residence with pool, pool deck and associated landscaping on the property.

Alan Donovan, Contractor was present and sworn in by Attorney Barnard. Ex Parte communications were solicited from the Board by the Town Attorney. Mr. Donovan gave a brief overview of the project and after a brief discussion, answered the Board's questions. Staff Members Josh Nichols, Mitty Barnard, and Rob Rennebaum provided comments and recommended conditions of approval. Public comment was solicited from both in person attendees and Webex attendees; there was no public comment. Chairman Cohn closed public comment.

MOTION: Vice Chairman Kevin Banks made a motion to approve SPR23-07/AAR23-07 with the following conditions:

1. Applicant shall revise and submit all plans and documents to reflect a grade elevation of no more than 5.97.
2. The landscaping shall be installed pursuant to the landscape plan approved by the Planning & Zoning Board. Alternatively, a maximum of 5% of the landscape species may be substituted subject to Zoning Official review/approval. Substitutions greater than 5% must be reviewed through a site plan modification by the Development Review Committee and Planning & Zoning Board.
3. Prior to final inspection of the landscaping by the Town and prior to issuance of a Certificate of Occupancy, the Applicant shall submit a final certification letter indicating that the landscaping has been installed in substantial accordance with the approved plans.
4. Applicant's Structural Engineer to submit perimeter wall plans with building permit application for Town review and approval.
5. No discharge from pool dewatering will be permitted to leave the site unless directed by hose to an existing catch basin. Contractor to ensure no water from dewatering operations is allowed to stand on Town roads.
6. Yard areas/site to be graded to ensure that no storm water runoff flows to adjacent properties.
7. Town Engineer to be notified during construction to observe exfiltration trench prior to backfill and to observe final grading prior to landscape and turf installation.
8. Applicant's Engineer shall be responsible for ensuring the drainage improvements are completed in substantial accordance with the approved plan.
9. Prior to C.O., Applicant's Engineer to provide final signed and sealed certification that the drainage improvements and grading have been completed in substantial accordance with the approved plan.
10. Upon receipt of final Certification from Applicant's Engineer, Town Engineer to visit site and ensure conformance of Town requirements prior to issuance of final C.O.

SECOND AND VOTE: Member Steve Smith seconded the motion, which passed unanimously by those present.

PUBLIC COMMENT: None

DISCUSSION ITEMS: None

ADJOURNMENT:

MOTION, SECOND AND VOTE: Vice Chairman Kevin Banks moved to adjourn the meeting with Member Steve Smith seconding the motion, which passed unanimously. The meeting was adjourned at 7:40 p.m.

APPROVED this ____ day of _____, 2023.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

**PLANNING AND ZONING BOARD
REORGANIZATION MEETING
MINUTES
April 26, 2023**

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Jerald Cohn. The meeting was held in the Commission Chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Jude Goudreau called the roll, and those present were Jerald Cohn, Tim Blash, Kevin Banks, Steven Smith, and Tony Lembo. Town Clerk Goudreau stated there was a quorum present. Also present were Town Attorney Mitty Barnard and Zoning Official Josh Nichols, and Town Engineer Rob Rennebaum.

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

MOTION: Member Kevin Banks made a motion to approve the agenda as drafted.

SECOND AND VOTE: Vice Chairman Tim Blash seconded the motion, which passed unanimously by those present.

3. INSTALLATION:

a. Swearing in of Planning & Zoning Members

Town Clerk Jude Goudreau swore in the Members of the Planning and Zoning Board.

b. Election of Chairman

MOTION: Member Kevin Banks made a motion to appoint Jerry Cohn as Chairman.

SECOND AND VOTE: Member Tony Lembo seconded the motion, which passed unanimously by those present.

c. Election of Vice Chairman

Vice Chairman Tim Blash stated to the Board that he would like to step down as Vice Chairman.

NOMINATION: Member Tony Lembo nominated Kevin Banks to Vice Chairman. Mr. Banks accepted the nomination. There were no additional nominations.

VOTE: Chairman Cohn called the question. The nomination passed unanimously by those present.

d. Selection of DRC Member

NOMINATION: Vice Chairman Kevin Banks nominated Jerry Cohn as the DRC Member. Mr. Cohn accepted the nomination. There were no additional nominations.

VOTE: Chairman Cohn called the question. The nomination passed unanimously by those present.

e. Selection of Landscape Approval Member.

NOMINATION: Member Steve Smith nominated Tony Lembo as Landscape Member. Mr. Lembo accepted the nomination. There were no additional nominations.

VOTE: Chairman Cohn called the question. The nomination passed unanimously by those present.

4. LEGAL UPDATE BY TOWN ATTORNEY:

Town Attorney Mitty Barnard provided the annual legal update and answered questions from the Board.

5. PUBLIC COMMENTS: None

6. ADJOURNMENT:

MOTION, SECOND AND VOTE: Vice Chairman Kevin Banks moved to adjourn the meeting with Member Steve Smith seconding the motion, which passed unanimously. The meeting was adjourned at 6:38 p.m.

APPROVED this ____ day of _____, 2023.

ATTEST:

Jude Marie Goudreau, Town Clerk
(Seal)

Jerald Cohn, Chairman

PLANNING AND ZONING BOARD
Sitting as the
Local Planning Agency
247 Edwards Lane / Palm Beach Shores, FL 33404

MINUTES
April 26, 2023

CALL TO ORDER

The meeting was called to order at 7:40 p.m. immediately following the P&Z Reorganization and P&Z Board Meetings by Chairman Jerald Cohn. The meeting was held in the Commission Chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Jude Goudreau called the roll, and those present were Chairman Jerald Cohn, Vice Chairman Kevin Banks, Members Tony Lembo, Tim Blash and Steve Smith. Staff also present were the Town Attorney Mitty Barnard and Zoning Official Josh Nichols and Town Engineer Rob Rennebaum.

APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

MOTION: Vice Chairman Kevin Banks made a motion to approve the meeting agenda as written.

SECOND AND VOTE: Member Tony Lembo seconded the motion, which passed unanimously by those present.

DISCUSSION:

a. ORDINANCE NO. O-2-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS., SEC. 14-63. – PROCEDURE. TO REQUIRE THE INSTALLATION OF SYNTHETIC TURF TO BE REVIEWED BY THE PLANNING & ZONING BOARD AND CHAPTER 78. VEGETATION AT SECTION V. LANDSCAPING., SEC. 78-77.1. – DESIGN GUIDELINES. TO CREATE AN ENTIRELY NEW SUBSECTION TO PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF FORWARD OF THE FRONT FAÇADE OF THE PRINCIPAL BUILDING OR ANY ACCESSORY STRUCTURE OR IN ANY LOCATION WITHIN OR VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY ON ANY PROPERTY IN ANY ZONING DISTRICTS WITHIN THE TOWN; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

MOTION: Member Steve Smith made a motion to postpone the ordinance to the time certain date of May 24, 2023, at 6:30 pm.

SECOND AND VOTE: Vice Chairman Kevin Banks seconded the motion, which passed unanimously by those present.

PUBLIC COMMENT: None

ADJOURNMENT:

MOTION, SECOND AND VOTE: Vice Chairman Kevin Banks moved to adjourn the meeting with Member Tony Lembo seconded the motion, which passed unanimously. The meeting was adjourned at 7:51p.m.

APPROVED this ____ day of _____, 2023.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

**ORDER OF THE PLANNING & ZONING BOARD
TOWN OF PALM BEACH SHORES
ARCHITECTURAL AND AESTHETIC REVIEW**

CASE NO. AAR 22-11

IN RE: *Kannega Glades, LLC, as Owner*

PROPERTY ADDRESS: 123 Ocean Avenue 101, Palm Beach Shores, Florida 33404

LEGAL DESCRIPTION: **PALM BEACH SHORES LTS 616 & 617**

ORDER APPROVING ARCHITECTURAL AND AESTHETIC REVIEW

This cause was heard by the Planning and Zoning Board of the Town of Palm Beach Shores acting under its authority to conduct Architectural and Aesthetic Review on November 30, 2022. Having considered the evidence presented by the Applicant and other interested persons at a hearing called and properly noticed and the Town Planning and Zoning Board being otherwise duly advised,

**THEREUPON, THE PLANNING AND ZONING BOARD OF THE TOWN OF
PALM BEACH SHORES FINDS AS FOLLOWS:**

1. The property which is the subject of said application is located within Town Zoning District D in accordance with the Zoning Ordinance of the Town of Palm Beach Shores.
2. The Applicant submitted all documents required by Section 14-86 of the Code of Ordinances of the Town of Palm Beach Shores, and the Applicant's request for Architectural and Aesthetic Review meets all standards as set forth in Sections 14-87 and 78-77.1 of the Town Code of Ordinances.
3. Under the provisions of Chapter 14. Buildings and Building Regulations. at Article II. Division 5. Architectural and Aesthetic Review of the Code of Ordinances of the Town of Palm Beach Shores, and Pf. 17.2. of the Town Zoning Code, the Planning and Zoning Board has the right, power and authority to act upon the application herein made.
4. In the judgment of the Planning and Zoning Board, the public convenience and welfare will best be served by APPROVING the application.

IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AS FOLLOWS:

The application for Architectural and Aesthetic Review with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:

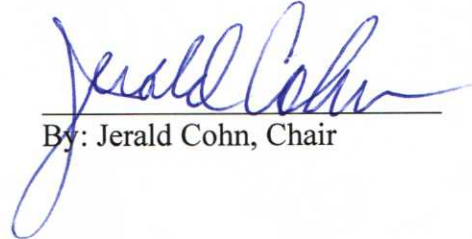
Demolish the existing building and construct an 88,841 square foot, 6-story building with twenty-four (24) upscale residential units with associated underground/depressed parking, pool and pool deck, and associated landscaping on the property; as depicted and described on *Exhibit A* attached hereto and made a part hereof

IS HEREBY APPROVED with the following conditions:

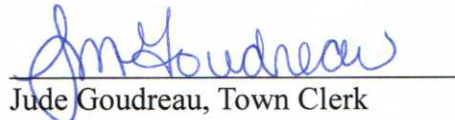
1. Final engineering plans and calculations must be submitted with the Building Permit application package.
2. Site to be graded to ensure that no stormwater runoff flows to adjacent properties.
3. Engineer shall be responsible for insuring the drainage improvements are completed in substantial accordance with the approved plan.
4. Prior to C.O., Engineer to provide final signed and sealed as-builts and Engineer's Certification that the drainage improvements and grading have been completed in substantial accordance with the approved plan.
5. Upon receipt of final Certification from Engineer, Town Engineer to visit site and insure conformance of Town requirements prior to issuance of final C.O.
6. Prior to issuance of a building permit, revise sheet A-101 to depict required handicapped spaces.
7. Prior to issuance of a building permit, revise Development Application pg. 7 and plans to reflect 51 spaces as shown (rather than 48 as noted).
8. Prior to issuance of a building permit, revise Development Application pg. 7 to reflect grade elevation of 11.25 (rather than 11.75 as noted).
9. Prior to issuance of a building permit, revise Site Plan and applicable support documents to indicate the location for dumpster and enclosure which is readily accessible to the Town's solid waste franchisee pursuant to Code Section 38-3.
10. Prior to issuance of building permit, revise all plans and elevations to reflect no more than 5% architectural features above roof height including safety railings.
11. Prior to issuance of a building permit, record approved Plat.
12. Prior to issuance of a building permit, record approved Memorandum of Understanding.
13. Prior to issuance of a building permit, record approved Drainage Easement and Maintenance Agreement.
14. Prior to issuance of a building permit, prepare and submit an Access and Use Easement Agreement for Private Road No. 1 to be approved in form by the Town Attorney prior to recording.

15. Prior to issuance of a building permit, provide Town with recorded condominium covenants and conditions as approved by the Town Attorney.
16. Prior to issuance of a building permit, provide the Town with the revises roof plan showing the revised railings/safety barriers.
17. Prior to issuance of a building permit, provide the Town with an updated landscape plan depicting revised landscaping to provide code compliant visibility triangles at the egress onto Private Road No. 1.

DONE AND ORDERED on November 28th, 2022.


By: Jerald Cohn, Chair

ATTEST:


Jude Goudreau, Town Clerk



PLANNING AND ZONING BOARD
Sitting as the
Local Planning Agency
Regular Meeting
May 24, 2023
Immediately following the Planning & Zoning Board Meeting
247 Edwards Lane / Palm Beach Shores, FL 33404

Chairman Jerald Cohn
Vice Chairman Kevin Banks

Member Tim Blash
Member Tony Lembo
Member Steve Smith
Alternate Member Weston Gracida
Alternate Member (Open Seat)

Town Attorney, Mitty Barnard
Josh Nichols, Zoning Official
Rob Rennebaum, Engineer
Town Clerk, Jude M. Goudreau

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m08ef4dfdce0d4bc5108aa41fa9ca56b8>

Meeting number: 2633 820 4816

Password: 0524

Join by phone +1-408-418-9388 United States Toll

Access code: 2633 820 4816

1. CALL TO ORDER:

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

3. DISCUSSION:

a. ORDINANCE NO. O-2-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS., SEC. 14-63. – PROCEDURE. TO REQUIRE THE INSTALLATION OF SYNTHETIC TURF TO BE REVIEWED BY THE PLANNING & ZONING BOARD AND CHAPTER 78. VEGETATION AT SECTION V. LANDSCAPING., SEC. 78-77.1. – DESIGN GUIDELINES. TO CREATE AN ENTIRELY NEW SUBSECTION TO PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF FORWARD OF THE FRONT FAÇADE OF THE PRINCIPAL BUILDING OR ANY ACCESSORY STRUCTURE OR IN ANY LOCATION WITHIN OR VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY ON ANY PROPERTY IN ANY ZONING DISTRICTS WITHIN THE TOWN; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. PUBLIC COMMENT:

5. ADJOURNMENT:

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

ORDINANCE NO. O-2-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS., SEC. 14-63. – PROCEDURE. TO REQUIRE THE INSTALLATION OF SYNTHETIC TURF TO BE REVIEWED BY THE PLANNING & ZONING BOARD AND CHAPTER 78. VEGETATION AT SECTION V. LANDSCAPING., SEC. 78-77.1. – DESIGN GUIDELINES. TO CREATE AN ENTIRELY NEW SUBSECTION TO PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF FORWARD OF THE FRONT FAÇADE OF THE PRINCIPAL BUILDING OR ANY ACCESSORY STRUCTURE OR IN ANY LOCATION WITHIN OR VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY ON ANY PROPERTY IN ANY ZONING DISTRICTS WITHIN THE TOWN; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, currently the Town Code defines “landscaping” to include nonliving durable material commonly used in landscaping which can include artificial turf; and

WHEREAS, in recent months, requests to install artificial turf on properties within the Town have increased significantly; and

WHEREAS, there are multiple grades of quality for artificial turf currently on the market with varying lifespans, compaction requirements and permeability rates; and

WHEREAS, the Town Commission believes the installation of artificial turf in the front yards without the ability to adequately address material quality, appearance and drainage may become problematic for the Town; and

WHEREAS, because of the potential impacts to appearance, quality and drainage, the Town Commission believe the installation of artificial turf requires the review of the Planning & Zoning Board prior to installation; and

WHEREAS, the installation of artificial turf in the Town’s 10-foot strip makes private improvements in the public right-of-way and access to the Town’s utilities beneath the 10-foot Town strip more difficult; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores believes these amendments to the Town’s Code are in the best interest of the health, safety and welfare of the Town, its citizens, and all those doing business with the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Chapter 14. Buildings and Building Regulations. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article 11. Administration., Sec. 14-62. – Procedure. to require the installation of synthetic turf to be reviewed by the Planning & Zoning Board; providing that Sec. 14-62. shall hereafter read as follows:

Sec. 14-62. - Procedure.

Site plans required.

(1) Site plan review and approval by the planning and zoning board is required for all new construction. In addition, site plan review and approval by the planning and zoning board shall be required for:

- a. The construction or installation of all fences, walls, gates or hedges located in front yards, which shall include, for corner lots situated along Lake Drive, Atlantic Avenue or Ocean Avenue, both the side of the property facing Lake Drive, Atlantic Avenue or Ocean Avenue, as well as the side of the property facing the applicable east-west street, in accordance with Pf. 9.2(d) of the town's zoning ordinance.
- b. Renovations of existing structures which change the footprint of the building or existing facade.
- c. The installation of new permanently installed (non-portable) emergency electrical generators, as well as modifications to existing emergency electrical generators which result in an increased net amount of impervious area on the property or decreased amount of buffering or screening around the emergency electrical generator. Relocation of an existing emergency electrical generator to a new location within the permissible yard area for emergency electrical generator placement, where there is no net increase in impervious area and no decrease in buffering and screening around the relocated emergency electrical generator is exempt from this requirement. Maintenance and

replacement activities that do not result in any net increase in impervious area and do not decrease the buffering and screening around the emergency electrical generator are likewise exempt from this requirement.

- d. The construction of new swimming pools, pool decks, and screened enclosures, and the installation of new pool equipment.
- e. The construction or installation of all slabs, concrete or otherwise, that increase the net amount of impervious area on the property.
- f. Modifications to existing swimming pools, pool decks and screened enclosures which result in a net increase to the amount of impervious area on the property or decreased amount of buffering or screening around the pool equipment. Relocation of existing pool equipment to a new location within the permissible yard area for pool equipment placement, where there is no net increase in impervious area and no decrease in buffering and screening around the relocated pool equipment is exempt from this requirement. Maintenance and replacement activities that do not result in any net increase in impervious area and do not decrease the buffering and screening around the pool equipment are likewise exempt from this requirement.
- g. Relocation of existing a/c equipment to a new location within the permissible yard area for a/c equipment placement are exempt from this requirement. Maintenance and replacement activities that do not result in any net increase in impervious area and do not decrease the buffering and screening around the a/c equipment are likewise exempt from this requirement.
- h. The installation of synthetic or artificial turf on any property within any Zoning District within the Town.

(2) For all construction requiring site plan review, the following shall be required:

- a. A completed site plan review application form; a boundary survey of the subject site prepared no more than six months from the date of the site plan review application; signed and sealed schematics depicting the

location of the building on the site, set backs, grading, drainage and elevations, as well as the relationship of the site to neighboring sites; tabular data showing compliance with all lot coverage, floor area, building height, grade and landscaping requirements.

- b. Ten sets of the above listed required documents prepared by a licensed engineer, architect and/or surveyor shall be submitted. The planning and zoning board shall first review the site plan; and, upon approval, the applicant shall submit the building plans to the town for review and approval of the building official prior to issuance of a building permit.

Section 2: Chapter 78. Vegetation. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section V. Landscaping., Sec. 78-77.1. – Design guidelines. to create an entirely new subsection to prohibit the installation of artificial turf forward of the front building of any building or in any location visible from any public right-of-way on any property in any Zoning Districts within the Town; providing that Sec. 78-77.1. shall hereafter read as follows:

Sec. 78-77.1. - Design guidelines.

- (a) Foundation plantings. Foundation plantings for all new construction are required on any side of a building that fronts on a street. Required foundation plantings should conceal the building foundation, should accentuate and beautify the front facade and should be a minimum of three feet in height at maturity.
- (b) Front yard trees. For all new development projects and new landscape plans, a minimum of three trees that comply with the requirements of article IV hereinbelow shall be required in the front yard. The minimum height of such required trees when planted shall be 75 percent of the beam height of the principal building. The minimum spread of such required trees when planted shall be 40 percent of the required tree height. In addition, three palm trees per platted lot shall be required to be planted in the ten-foot strip of town property a distance of four feet from the edge of pavement on all east-west roads in the town. Permitted palm tree species include Foxtail, Coconut, Queen, Triangle, Christmas, Date, Fishtail, Royal, Sago,

or any other species specifically approved by the planning and zoning board as part of its architectural and aesthetic review.

(c) Landscape buffering of equipment. For all new development projects, central air conditioning equipment, swimming pool equipment, emergency electrical generators, and outdoor trash containers located in accordance with the town's Zoning Ordinance and other applicable codes shall be sight screened with appropriate landscaping material.

(d) Privacy screens, applicability. In zoning districts A and B, all new development projects located on non-waterfront properties shall be subject to the privacy screen requirements set forth in paragraph (e) below. In zoning district B, the following shall also trigger the applicability of the privacy screen requirements set forth in paragraph (e) below:

(1) Any activity or activities upon the lot over time requiring a permit or permits from the town pertaining to improvements that cumulatively amount to expenditures of money in excess of \$50,000.00.

(2) Any change in use of the property.

(e) Privacy screens, requirements. Rear and side yard privacy screens are permitted, but not required with single story principal buildings. When the principal building is a two-story building, rear and side yard privacy screens are required. Such privacy screens should generally be of sufficient height and density to screen the line of sight from second story balconies and windows into neighboring properties, however, the minimum height of trees utilized for rear yard privacy screens when planted shall be no less than 75 percent of the roof height of the principal building. As part of the architectural and aesthetic review pursuant to section 14-86, the planning and zoning board shall ensure that these requirements are met and that the privacy of properties adjacent to two-story buildings is protected. No trees shall be permitted to grow into overhead utility lines.

(f) Artificial turf regulations.

1. All artificial turf installed within the Town shall meet the following criteria:

a) Be green in color and similar to that of living sod;

- b) Be of sufficient quality that is guaranteed by the manufacturer to have a life expectancy of no less than ten (10) years; and
- c) Be sufficiently permeable to ensure that percolation rates through the artificial turf are equal to or greater than that of living sod.
2. Artificial turf shall not be installed or placed forward of the front façade of the principal building or any accessory structure and shall not be visible from any public right-of-way on any property in any Zoning Districts within the town.
3. Artificial turf currently installed or approved through development order shall be allowed to remain while maintained in serviceable condition and of quality appearance. Property owners shall be advised that should the Town or any easement holder need access to areas covered with artificial turf in utility easements or within the 10' Town Strip, the removal, replacement and/or repair of such artificial turf is solely the responsibility of the property owner and shall not fall to the Town or other easement holder.

Section 3: Each and every other section and subsection of Chapter 14. Building and Building Regulations. and Chapter 78. Vegetation. shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of May 2023.

SECOND AND FINAL READING this ____ day of June 2023.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Jude Goudreau, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney