

PLANNING AND ZONING BOARD

Regular Meeting

October 25, 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 (Open Seat)
Alternate Member Weston Gracida
Alternate Member (Open Seat)

Town Attorney, Dylan Brandenburg
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=mdd1e7d9f3e269d426fffa21a44799550> Meeting number: 2632 586 7028 Password: 1025

Join by phone +1-408-418-9388 United States Toll Access code: 263 258 67028

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll Call

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

3. APPROVAL OF CONSENT AGENDA:

- a. Approve September 27, 2023 P&Z Meeting Minutes.

4. ACTION ITEMS:

- a. **SPR23-12-AAR23-12:** Nicholis Heine of NRH Homes LLC, Owner of 301 Cascade Lane, requests Site Plan Review and Architectural & Aesthetic Review Approval to construct a new single-story house with associated pool, paver deck, pool equipment and landscaping on a currently vacant parcel.
- b. **SPR23/14-AAR23-14:** Rhys Hollyman of 315 Cascade Lane LLC, Owner of 315 Cascade Lane, requests Site Plan Review and Architectural & Aesthetic Review Approval to add a 1,360 square foot addition consisting of a new master suite, new enclosure and golfcart garage, elevate the existing finished floor elevation of the existing structure, add a pool and associated paver deck and pool equipment and revise the existing landscaping onsite.
- c. **SPR23/15-AAR23-15:** Charles R. Romp, Owner of 308 Claremont Lane, requests Site Plan Review and Architectural & Aesthetic Review Approval to replace the pool deck around the existing pool with a new larger brick paver pool deck.

4. PUBLIC COMMENT:

5. DISCUSSION ITEMS:

- a. Building Department Development Project Update (*Orlando Rodriguez, Building Department Clerk*)
- b. Construction Timeline Code Revision (*Mitty Barnard, Town Attorney*)
- c. Fence Code Revision (*Josh Nichols, Zoning Official*)

6. 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 September 27, 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 M. Goudreau called the roll, and those present were Chairman Jerald Cohn, Vice Chairman Kevin Banks, Member Tony Lembo and Alternate Member Weston Gracida. Also present were the Town Attorney Mitty Barnard, Town Engineer Rob Rennebaum, and Zoning Official Josh Nichols.

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

MOTION: Vice Chairman Kevin Banks made a motion to approve the meeting agenda as amended to add a consent agenda as item 3 to approve the July 26, 2023 minutes.

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

CONSENT AGENDA:

Approve the Planning & Zoning Board Meeting Minutes of July 26, 2023.

MOTION: Vice Chairman Kevin Banks made a motion to approve the consent agenda.

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

ACTION ITEMS:

- a. **SPR23-10/AAR23-10:** Theodore & Vivian Mann, Owners of 207 Blossom Lane, request Site Plan Modification and Architectural & Aesthetic Review Approval to construct a 418 square foot concrete block free standing pavilion on the property.

MOTION: Vice Chairman Kevin Banks made a motion to approve **SPR23-10/AAR23-10** as submitted.

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

- b. **SPR23-11/AAR23-11:** Nicholis Heine of 131 Edwards LLC, Owner of 131 Edwards Lane, requests Site Plan Review and Architectural & Aesthetic Review Approval to construct a new two-story house with pool, paver deck and associated landscaping on the property.

MOTION: Vice Chairman Kevin Banks made a motion to approve **SPR23-11/AAR23-11** with the following conditions:

1. Applicant shall provide an updated Survey showing existing conditions prior to building permit issuance;
2. Applicant shall relocate the air conditioning condensers and emergency generator to the rear of the structure adjacent to the pool equipment and provide updated plans reflecting such relocation prior to building permit issuance;
3. Applicant shall revise and resubmit an updated Landscape Plan depicting trees along the rear property line at the required 75% of beam height at installation per Section 78-77.1 of the Town Code prior to building permit issuance;
4. Applicant shall revise and resubmit an updated Landscape depicting trees along the east property line at sufficient heights at installation to provide screening of second story windows per Section 78-77.1 of the Town Code prior to building permit issuance;

5. Applicant shall revise all plans to show the proposed fence along the rear and west sides of the property to meet the pool barrier requirement of the Florida Building Code prior to building permit issuance;
6. Applicant shall revise the Development Application and all plans to reflect a grade elevation and finished floor elevation compliant with Pf. 4.6 of the Town Code prior to building permit issuance;
7. 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;
8. Drainage improvements to be coordinated with drainage engineer, landscape architect and contractor to ensure no conflicts will occur between landscape plan and engineering drainage design. Show all drainage improvements on the landscape plan prior to building permit issuance;
9. Yard areas/site to be graded to ensure no stormwater runoff flows to adjacent properties;
10. Upon rough-grading of swale or installation of trench, and prior to installation of landscaping, Town Engineer to be notified to inspect grading prior to placement of sod;
11. Town Engineer to be notified during construction to observe rough grading of swale and yard areas and property lines prior to landscape and turf installation;
12. Photos must be provided of the exfiltration trench installation;
13. Applicant's Engineer shall be responsible for ensuring the drainage improvements are completed in substantial accordance with the approved plan;
14. 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;
15. 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.;
16. Applicant shall revise all plans to ensure required site and landscape screening is provided around the relocated air conditioning condensers and emergency generator prior to building permit issuance;
17. Applicant shall revise all plans to depict fencing along the west property line inset two (2) feet to allow placement of the proposed hedge on the exterior (road side) of the fence prior to building permit issuance;
18. Applicant shall submit the color rendering of the proposed architecture of the structure prior to building permit issuance; and
19. Applicant shall submit the proposed construction schedule for the project prior to building permit issuance.

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

PUBLIC COMMENT: One member of the public provided public comment.

DISCUSSION ITEMS:

- a. Building Department Update (*Orlando Rodriguez, Building Department Clerk*)
The Board discussed the Building Department Update provided.
- b. Construction Timeline Code Revision (*Mitty Barnard, Town Attorney*)
The Board discussed the need for a revision to the Town Code to address completion times for development projects. The Board directed staff to bring draft code language based on the samples provided for discussion at the next meeting.
- c. Fence Discussion (*Josh Nichols, Zoning Official*)
The Board discussed the need for a revision to the Town Code to address fences installed atop retaining walls. The Board directed staff to bring draft code language for discussion at the next meeting.

ADJOURNMENT:

MOTION, SECOND AND VOTE: Vice Chairman Kevin Banks moved to adjourn the meeting with Member Tony Lembo seconding the motion, which passed unanimously. The meeting was adjourned at 7:47 p.m.

APPROVED this ____ day of _____, 2023.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

Single Family Homes	P&Z Order Date	Permit Issued Date	Work Description	Current Status
327 Bravado Lane	4/26/2023	6/13/2023	New Build	As of 10/20; Shell complete. Drainage from the side yard towards the front being worked on. Interior work still continuing.
131 Sandal Lane	12/21/22	6/14/2023	New Build	House, landscaping, drainage and pool are complete. Interior work still being completed. No Certificate of Occupancy.
231 Inlet Way	10/14/2023	4/28/2023	New Build	Shell complete. Roof still in progress.
315 Cascade Lane	Scheduled for 9/25/23	N/A	Addition and pool	Approved by DRC. P&Z 9/27/23. No building permit application submitted.
131 Edwards Lane	Scheduled for 9/25/23	N/A	New Build	Approved by DRC. P&Z 9/27/23. No building permit submitted.
337 Bravado Lane	6/28/2023	7/24/2023	Pool/deck.	Work stopped due to hitting a FPL line. Awaiting on FPL to repair the line. FPL was at the property on 10/13. Unable to get update from contractor.
Commercial Buildings	P&Z Order Date	Permit Issued Date	Work Description	Current Status
150 Inlet Way	4/28/2021	2/8/2022	New Build	Outer shell complete, interior work is in process.

200 Inlet Way	4/28/2021	2/8/2022	New Build	Outer shell complete, interior work is in process.
206 Inlet Way	4/28/2021	2/8/2022	New Build	Outer shell complete, interior work is in process.
107 Sandal Lane	N/A	4/13/2023	RENO	Last inspection 8/23/23. Informed that they are selling the property to a new owner but will continue the current work. Building was demo'd down to the shell. As of 9/25, they not submitted a DRC package for adding a pool and exterior, or had a change of ownership on the property.
142 Lake Drive	N/A	2/5/2021	Fire Sprinkler Underground	
142 Lake Drive	N/A	5/11/2022	RENO Unit 7	
142 Lake Drive	N/A	12/1/2021	RENO Unit A	
142 Lake Drive	N/A	11/16/2022	RENO Unit 9	
142 Lake Drive	N/A	11/16/2022	RENO Unit 8	
142 Lake Drive	N/A	11/16/2022	RENO Unit 6	
142 Lake Drive	N/A	11/16/2022	RENO Unit 5	
142 Lake Drive	N/A	11/16/2022	RENO Unit 4	

142 Lake Drive	N/A	3/6/2023	RENO Unit 12
142 Lake Drive	N/A	3/8/2023	RENO Unit 11
142 Lake Drive	N/A	3/8/2023	RENO Unit 14
142 Lake Drive	N/A	3/8/2023	RENO Unit 10
142 Lake Drive	N/A	1/5/2023	RENO Unit 17
142 Lake Drive	N/A	4/12/2023	RENO/Combine Unit 1 & 2
142 Lake Drive	N/A	3/8/2023	RENO Unit 15
142 Lake Drive	N/A	3/8/2023	Reno Unit 16
142 Lake Drive	N/A	4/12/2023	RENO/Combine Unit 17 & 18

ORDINANCE NO. O-6-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS. AT ARTICLE III. BUILDING STANDARDS. TO ADD ENTIRELY NEW SEC. 14-109. – TIME SCHEDULE FOR COMPLETION OF CONSTRUCTION PROJECTS. TO ESTABLISH MAXIMUM TIMELINES FOR THE COMPLETION OF CONSTRUCTION PROJECTS IN TOWN; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Code does not currently provide regulations relative to the allowable timeframe to complete construction projects within the Town; and

WHEREAS, lingering construction projects have a negative impact on the health, safety and welfare of Town residents; and

WHEREAS, the Town Commission has determined that it is in the public interest to enact a time schedule for the completion of construction projects based on the square footage of the project; 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 III. Building Standards., to add entirely new Sec. 14-109. – Time schedule for completion of construction projects. to establish maximum timelines for the completion of constructions projects in Town; providing that Sec. 14-109. shall hereafter read as follows:

Sec. 14-109. Time schedule for completion of construction projects.

A maximum time, calculated from the date the building department issues a building permit, is established for the completion of construction projects as set forth in the construction schedule shown in Table 1 herein. Said maximum time is a condition of all

applicable building permits and applicant and owner accept such condition upon acceptance of a building permit. Failure of the permit holder to complete construction under the building permit in accordance with the maximum time schedule shall be prima facie evidence that the building project has not commenced or has been suspended or abandoned. Such prima facie evidence shall be in addition to any other evidence that construction under the permit has not commenced or has been suspended or abandoned under the permit.

TABLE 1. CONSTRUCTION SCHEDULE

<u>Square Footage Under Roof</u>	<u>New Construction* Maximum Time Permitted</u>	<u>Remodel/Accessory Construction Maximum Time Permitted</u>
<u>Projects 4,999 sq. ft. or less</u>	<u>12 months</u>	<u>6 months</u>
<u>Projects 5,000 sq. ft. to 39,999 sq. ft.</u>	<u>18 months</u>	<u>9 months</u>
<u>Projects 40,000 sq. ft. or more</u>	<u>24 months</u>	<u>12 months</u>

* Principal structure

(a) One (1) six-month extension to the timeframes set forth in Table 1 above may be granted by the town commission on written request and upon a showing of good cause as determined in the sole discretion of the town commission. The request for extension shall include reasons for the necessity of granting an extension, a revised construction schedule, and proposed nuisance mitigation measures. In the event the town commission determines that good cause is not shown for granting the extension, the commission may deny the extension. In the event the town commission grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the town commission and the imposition of a fee as established by resolution by the town commission for each day of the extension beyond the term set

forth in Table 1. Approval of extended requests shall require the applicant to comply with all new amendments to federal, state or town regulations.

(b) In the event no request is made for extension of time from the above-referenced schedule, at the expiration of the maximum time permitted in Table 1, the building permit shall be immediately revoked and all work shall cease and desist on the project. In order to resume work, the contractor and the owner must apply to the town commission for an extension of time in accordance with subpart (a) above. If an extension of time is granted pursuant to subpart (a) above, a new permit application is required and a permit reactivation fee shall be paid.

(c) Failure of the permit holder and/or the property owner to complete the construction within the timeframes set forth in Table 1 or within the time extension granted by the town commission constitutes prima facie evidence that the building project has not commenced or has been suspended or abandoned. All permits will be terminated, and all work at the site will stop immediately until the applicant and owner apply for and receive a reinstatement of the permit by the town commission. If conditions are attached to the re-issuance, the permit may be reissued by the building official only upon continued conformance to the conditions established by the town commission. Any conditions attached to re-issuance are conditions of all applicable permits and applicant and owner accept such conditions upon acceptance of a permit. The issuance of the certificate of occupancy or completion will be withheld until any fees incurred under this section are paid. If the town commission does not approve the extension of time, applicant and owner may be required by the town commission to remove all evidence of construction, and ensure that the project conforms to all applicable provisions of the code. Failure to cease

construction or conform to all codes constitutes a violation and may be enforced by citation to the town's code enforcement board, or special magistrate, or by any other lawful means available to the town, at the sole discretion of the town.

(d) The provisions of this section shall be enforced by the town's special magistrate pursuant to the authority granted by F.S. ch. 162, as may be amended and chapter 2, article III, division 2 of the town Code, as may be amended. In addition, the town may enforce the requirements of this division by any other means available by law or equity.

Section 2: 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 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: 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 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of _____, 2023.

SECOND AND FINAL READING this ____ day of _____, 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

ORDINANCE NO. O-7-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A – ZONING ORDINANCE., SECTION IX – WALLS, FENCES AND HEDGES. AT PF. 9.2. – LIMITATIONS. TO ESTABLISH A MAXIMUM RETAINING WALL AND FENCE HEIGHT NECESSARY TO SCREEN NEIGHBORING PROPERTIES WHERE UNEVEN GRADES EXIST AT THE COMMON PROPERTY LINE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Code does not adequately contemplate recent updates to the Federal Emergency Management Agency’s (“FEMA’s”) requirements for finished floor elevations and how this impacts the grade elevation of a property in relation to the adjacent parcels; and

WHEREAS, this increase in required grade elevation and finished floor elevation of a structure, particularly on those parcels located in the AE Flood Zone, creates the potential for mismatched grades at the common property line between parcels within the Town; and

WHEREAS, the creates rear yards and pool decks with differing elevations which leads to line of sight and privacy concerns into the neighboring properties; 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: Appendix A. – Zoning Ordinance of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section IX. Walls, Fences and Hedges., Pf. 9.2. Limitations. to establish a maximum retaining wall heights and fence heights necessary to screen neighboring properties where uneven grades exist at common property line; providing that Pf. 9.2. shall hereafter read as follows:

Pf. 9.2. – Limitations

(a) *Generally.* Unless otherwise provided herein, walls, fences and hedges shall conform to the following general requirements.

1. Walls and fences may be placed on private property as near the lot lines of the property as can be reasonably accommodated.

a. When located behind the front building line (also known as the front setback), walls and fences may be a maximum of six (6) feet in height measured from the grade excepted as provided in subpart 3 below.

[Subsections (b) through (d) to remain in full force as adopted.]

[Subsection (2) to remain in full force as adopted.]

3. *Inconsistent grades.* If the grade elevation at the lot line of the abutting lot is not a reasonable match to the grade elevation at which the wall, fence or hedge is to be placed, the height of the wall, fence or hedge shall be measured from the lower of the conflicting grade elevations.

a. Retaining walls installed at the adjoining lot line shall be a maximum of three (3) feet in height measured from the lower of the conflicting grade elevations and placed to the rear of the front setback line. Retaining walls within the front setback shall be a maximum of two (2) feet in height as measured from the lower of the conflicting grade elevations.

b. Fences or fencing affixed to or atop of a retaining wall shall, when measured to include both the retaining wall and fence or fencing, have a combined total maximum height of seven (7) feet as measured from the lower of the conflicting grade elevations.

c. Where an inconsistent grade exists with decking or similar improvement equal to the elevation found at the highest point of the retaining wall, the use of landscaping in the form of hedges or trees shall be used to screen the view into the adjacent property to a minimum height of six (6) feet as measured from the highest elevation.

d. If a retaining wall is installed at the adjoining property line, drainage shall be accommodated on-site and shall not discharge to adjacent properties.

Section 2: Each and every other Section of Appendix A. – Zoning Ordinance. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: 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 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of _____, 2023.

SECOND AND FINAL READING this ____ day of _____, 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

PLANNING AND ZONING BOARD
Sitting as the
Local Planning Agency
Regular Meeting
October 25, 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 (Open Seat)
Alternate Member Weston Gracida
Alternate Member (Open Seat)

Town Attorney Dylan Brandenburg
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=mdd1e7d9f3e269d426ffa21a44799550> Meeting number: 2632 586 7028 Password: 1025

Join by phone +1-408-418-9388 United States Toll Access code: 263 258 67028

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll call

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

3. DISCUSSION:

a. ORDINANCE NO. O-5-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING ITS COMPREHENSIVE DEVELOPMENT PLAN TO ADOPT EVALUATION AND APPRAISAL (“EAR”) BASED AMENDMENTS PURSUANT TO SECTION 163.3191, FLORIDA STATUTES, WHICH PROVIDES FOR AN EVALUATION AND FOR PLAN AMENDMENTS DETERMINED TO BE NECESSARY PURSUANT TO THE REQUIREMENTS OF SECTION 163.3191, FLORIDA STATUTES; BY ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT AND BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO ADDRESS PERILS OF FLOOD, ALL PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184 FLORIDA STATUTES AND THE ADDITION OF CLIMATE CHANGE MITIGATION ELEMENT WHICH PROVIDES STRATEGIES TO REDUCE GREENHOUSE GAS EMISSIONS THAT LEAD TO MORE EXTREME WEATHER PATTERNS AND SEA LEVEL RISE PURSUANT TO THE REQUIREMENTS OF SECTION 163.3177(1)(A), FLORIDA STATUTES, PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; 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 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.

ORDINANCE NO. O-5-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING ITS COMPREHENSIVE DEVELOPMENT PLAN TO ADOPT EVALUATION AND APPRAISAL (“EAR”) BASED AMENDMENTS PURSUANT TO SECTION 163.3191, FLORIDA STATUTES, WHICH PROVIDES FOR AN EVALUATION AND FOR PLAN AMENDMENTS DETERMINED TO BE NECESSARY PURSUANT TO THE REQUIREMENTS OF SECTION 163.3191, FLORIDA STATUTES; BY ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT AND BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO ADDRESS PERILS OF FLOOD, ALL PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184 FLORIDA STATUTES AND THE ADDITION OF CLIMATE CHANGE MITIGATION ELEMENT WHICH PROVIDES STRATEGIES TO REDUCE GREENHOUSE GAS EMISSIONS THAT LEAD TO MORE EXTREME WEATHER PATTERNS AND SEA LEVEL RISE PURSUANT TO THE REQUIREMENTS OF SECTION 163.3177(1)(A), FLORIDA STATUTES, PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, the State Legislature of the State of Florida has also mandated that all municipalities evaluate their comprehensive plan at least once every seven (7) years; and

WHEREAS, Section 163.3191, Florida Statutes, requires that local governments review the adopted comprehensive plan, in part, to respond to changes in local, state and regional policies along with an analysis of the major issues necessary to further the community’s goals consistent with statewide minimum standards; and

WHEREAS, the Town Commission adopted the final version of the required “Evaluation and Appraisal Report” by Resolution R-13-06 on November 20, 2006 and that report was deemed sufficient by the then Florida Department of Community Affairs on January 26, 2007; and

WHEREAS, the State Legislature of the State of Florida has also mandated that all municipalities shall include in their Comprehensive Development Plans a Property

Rights Element to ensure that private property rights are considered in local decision-making; and

WHEREAS, the State Legislature of the State of Florida has also mandated that all municipalities abutting the Atlantic Ocean shall include in their Comprehensive Development Plans a Coastal Management Element that addresses the perils of flood; and

WHEREAS, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the Town of Palm Beach Shores, Florida, has carefully prepared an amendment to its comprehensive development plan to add a Property Rights Element, a Climate Change Element and to update the Coastal Management Element pursuant to Sec.163.3191, Florida Statutes, in order to provide text and map amendments or revisions in conformance with the adopted Evaluation and Appraisal report; and

WHEREAS, the Town of Palm Beach Shores has held all duly required public hearings; both prior to submission of the proposed amendments of the plan to the Florida Department of Commerce and after the proposed amendments of the plan were returned to the Town of Palm Beach Shores, in accordance with Chapter 163.3184, Florida Statutes; and

WHEREAS, the Town Commission desires to adopt the amendments to the current comprehensive development plan to guide and control the future development of the Town, and to preserve, promote and protect the public health, safety and welfare.

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

Section 1: The Town of Palm Beach Shores Comprehensive Plan is hereby amended by adopting this amendment to its current Comprehensive Plan; which amendment is attached hereto as Exhibit “A” and made a part hereof and of the current Comprehensive Plan. This amendment specifically provides comprehensive amendments to the Coastal Management Element, and the newly created Private Property Rights Element and Climate Change Element of the Comprehensive Plan in conformance with the adopted Evaluation and Appraisal Review described therein which affects the pagination of certain elements; all as specifically set forth on Exhibit “A”. The text and maps adopted in Exhibit “A” shall be substituted for and replace in total the previously adopted text and maps in the amended elements.

Section 2: A copy of the Comprehensive Development Plan, as amended, is on file in the office of the Town Clerk, Town of Palm Beach Shores, Florida.

Section 3: The Town Clerk is hereby directed to transmit within ten (10) working days after adoption one (1) paper copy and two (2) electronic PDF format copies of the amendment to the current Comprehensive Development Plan to the State Land Planning Agency, along with one copy to any other agency or unit of local government that timely provided comments in accordance with Section 163.3184(3)(c)2, Florida Statutes.

Section 4: Each and every other section and subsection of the Town of Palm Beach Shores Comprehensive Development Plan shall remain in full force and effect as previously adopted.

Section 5: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6: 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 7: The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Commerce or the Administration Commission finding the amendment in compliance in accordance with Section 163.3184(4)(e)5., Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by

the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to Florida Department of Commerce, Division of Community Planning, Plan Processing Team.

FIRST READING this ____ day of November, 2023.

SECOND AND FINAL READING this ____ day of December, 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