

August 24, 2022
Immediately following the
6:30 pm P & Z Meeting (or as soon
thereafter as possible)



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

**PLANNING AND ZONING BOARD sitting as
LOCAL PLANNING AGENCY (LPA)
MEETING AGENDA**

Jerald Cohn, Member
Tim Blash, Member
Kevin Banks, Member
Tony Lembo, Member
Steven Smith, Member
Tom Martin, Alternate
Weston Gracida, Alternate

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

**PLEASE NOTE:
PUBLIC PARTICIPATION MAY OCCUR REMOTELY**

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m1422c14d11e6f630e25a5c4f921b35e7> Meeting number: 2632 882 9254 Password: 0824

Join by phone +1-408-418-9388 United States Toll Access code: 2632 882 9254

1. CALL TO ORDER:

- a. Roll call

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

3. MISCELLANEOUS BUSINESS:

a. ORDINANCE NO. O-4-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 78. VEGETATION. AT ARTICLE III. LANDSCAPING., SECTION 78-77.1. – DESIGN GUIDELINES. TO REQUIRE ADDITIONAL LANDSCAPING TO BE PLACED AT FIFTEEN FOOT INTERVALS AGAINST LONGER EXPANSES OF BUILDING WALLS WITH LITTLE ARCHITECTURAL DETAIL AND NO REQUIRED PRIVACY SCREENING TREES TO BREAK UP THE WALLS FOR MULTI-STORY STRUCTURES IN ALL ZONING DISTRICTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; 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 Town Commission 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 ensure 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

August 24, 2022

6:30 pm

247 Edwards Lane / Palm Beach Shores, FL 33404

Jerald Cohn, Chairman
Tim Blash, Vice Chairman
Kevin Banks, Member
Steven Smith, Member
Tony Lembo, Member
Tom Martin, Alternate
Weston Gracida, Alternate

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

PLEASE NOTE:

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m1422c14d11e6f630e25a5c4f921b35e7> Meeting number: 2632 882 9254 Password: 0824

Join by phone +1-408-418-9388 United States Toll Access code: 2632 882 9254

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll call

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

3. CONSENT AGENDA:

Approval of the July 27, 2022, Planning and Zoning Board Meeting Minutes.

4. ACTION ITEMS:

- a. **SPR22-08/AAR22-08**, Paul Brown, Owner of 200 Linda Lane, requests Site Plan Review and Architectural & Aesthetic Review to remove 132 sq. ft. from the back corner of the house, add a small roof over the entry door and construct a pool with pool deck and associated pool equipment on the property.

5. PUBLIC COMMENT:

6. DISCUSSION ITEMS:

- a. Discussion of Holiday Meeting Schedules.

7. ADJOURNMENT:

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**PLANNING AND ZONING BOARD
REGULAR MEETING
MINUTES**

July 27, 2022

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 Chairman Jerald Cohn, Vice Chairman Tim Blash, Member Kevin Banks, and Member Steve Smith. Town Clerk Goudreau stated there was a quorum present. Also present were the Town Attorney Mitty Barnard, Town Engineer Rob Rennebaum and Zoning Official Josh Nichols.

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

MOTION: Vice Chairman Tim Blash made a motion to approve the meeting agenda.

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

3. CONSENT AGENDA:

Approval of the June 22, 2022, Planning and Zoning Board Meeting Minutes.

MOTION: Vice Chairman Tim Blash moved to approve the consent agenda as read.

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

4. ACTION ITEMS:

a. **SPR22-09/AAR22-09**, John Hubert, Owner of 333 Sandal Lane, requests Site Plan Review and Architectural and Aesthetic Review to build a 49 square foot addition on property and convert a portion of the existing garage to habitable space.

MOTION: Member Kevin Banks made a motion to approve SPR22-09/AAR22-09 with the following conditions:

1. Applicant shall provide a private appraisal prior to building permit issuance;
2. Application shall be reviewed for approval by the Town Floodplain Administrator to determine whether the substantial improvement threshold is triggered and whether raising the finished floor elevation is required to meet Code or FEMA requirements; and
3. Applicant shall update all plans to reflect no more than 10% flat roof.

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

b. **SPM22-12/AAR22-12**, Sailfish Holding Company, Owner of 98 Lake Drive, requests Site Plan Modification and Architectural and Aesthetic Review to replace 165' of new seawall with a 9-inch higher cap in front of the existing seawall on the property.

MOTION: Member Kevin Banks made a motion to approve the SPM22-12/AAR22-12 as submitted.

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

5. PUBLIC COMMENT: Public comment provided regarding status of stalled lot under construction.

6. DISCUSSION ITEMS:

- a. Discussion of revised draft Ordinance No. O-4-22 regarding revisions to the Town's landscape requirements (Josh Nichols, Zoning Official and Mitty Barnard, Assistant Town Attorney)

Board discussion ensued. Donna Ward and Kathy Arthur provided public comment on Ordinance O-4-22. Both submitted letters via email for distribution to the P&Z Board.

7. ADJOURNMENT:

MOTION, SECOND AND VOTE: Member Kevin Banks moved to adjourn the meeting with Vice Chairman Tim Blash seconding the motion, which passed unanimously. The meeting was adjourned at 7:29 p.m.

APPROVED this ____ day of _____, 2022.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

ORDINANCE NO. O-4-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 78. VEGETATION. AT ARTICLE III. LANDSCAPING., SECTION 78-77.1. – DESIGN GUIDELINES. TO REQUIRE ADDITIONAL LANDSCAPING TO BE PLACED AT FIFTEEN FOOT INTERVALS AGAINST LONGER EXPANSES OF BUILDING WALLS WITH LITTLE ARCHITECTURAL DETAIL AND NO REQUIRED PRIVACY SCREENING TREES TO BREAK UP THE WALLS FOR MULTI-STORY STRUCTURES IN ALL ZONING DISTRICTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, currently Section 78-77.1(d) of the Town Code requires the installation of landscaping for multi-story structures in Zoning Districts A and B to provide adequate privacy screening for windows located on higher stories to screen views to adjacent properties; and

WHEREAS, there are no current regulations to require landscaping for multi-story structures where no windows are present and no privacy screening is required; and

WHEREAS, with the prevalence of redevelopment in Town to include the construction of larger two-story residential structures, there is a need to revise the Town Code to increase the landscaping requirements for these and other multi-story structures to ensure that adequate landscaping is installed to soften larger walls with minimal architectural features; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores believes these amendments to the Town’s Zoning 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 78. Vegetation. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Requirements., Section 78-77.1. – Design Guidelines. to require additional landscaping to be placed at fifteen-foot intervals against longer expanses of building walls with little architectural detail and no required

privacy screen trees to break up the walls; providing that Section 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) *Multi-story structures, softening of walls.* For multi-story structures in all zoning districts, a canopy or palm tree shall be planted at an interval of one (1) tree every fifteen (15) feet along expanses of blank wall over ten (10) feet in length to create a softening effect for walls or sections of walls with minimal architectural detail and which do not contain trees to provide privacy screening as required by paragraphs (e) and (f) below. Such trees shall be installed at no less than 75 percent of the beam height of the principal building.

(d)(e) *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.

~~(e)(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 ~~(f)(e)~~ below. In zoning district B, the following shall also trigger the applicability of the privacy screen requirements set forth in paragraph ~~(f)(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.

~~(f)(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.

Section 2: Each and every other section and subsection of 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 September, 2022.

SECOND AND FINAL READING this ____ day of October, 2022.

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