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

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Janet Kortenhaus, Chairperson  
Rick Ziegler, Vice Chair

Nina Lammert, Member  
Mary Stanton, Member  
Jerald Cohn, Member  
Joan Bancroft Grody, Alternate  
John Maffett, Alternate

Rob Rennebaum, Engineer  
Josh Nichols, Zoning Official  
Mitty Barnard, Attorney  
Jim Parker, Building Official  
Evyonne Browning, Town Clerk

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1. **CALL TO ORDER**
  - a. Roll call
  
2. **APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)
  
3. **CONSENT AGENDA**
  
4. **PUBLIC HEARING**
  
5. **MISCELLANEOUS BUSINESS**
  - a. Ordinance O-3-18: Swimming Pools, Pool Decks, Screened Enclosures (*Presented by Town Attorney*)
  
  - b. Ordinance O-2-18: Walls/Fences/Hedges Definitions (*Presented by Town Attorney*)
  
6. **PUBLIC COMMENT**
  
7. **STAFF REPORTS**
  
8. **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-3-18**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS. ARTICLE II. ADMINISTRATION. DIVISION 3. BUILDING CONSTRUCTION AND SITE PLAN REVIEW, APPROVAL. AT SECTION 14-62. PROCEDURE. TO REQUIRE SITE PLAN REVIEW FOR THE CONSTRUCTION OF NEW SWIMMING POOLS, POOL DECKS, SLABS, AND SCREENED ENCLOSURES, THE INSTALLATION OF NEW POOL EQUIPMENT, MODIFICATIONS TO EXISTING SWIMMING POOLS, POOL DECKS AND SCREENED ENCLOSURES WHICH RESULT IN INCREASED IMPERVIOUS AREA, THE RELOCATION OF EXISTING POOL EQUIPMENT; MODIFICATIONS TO EXISTING EMERGENCY ELECTRICAL GENERATORS WHICH RESULT IN INCREASED IMPERVIOUS AREA OR A REDUCTION IN BUFFERING OR SCREENING, AND THE RELOCATION OF EXISTING EMERGENCY ELECTRICAL GENERATORS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Town regulations currently require site plan review for specific development activities proposed within the Town; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to expand these regulations to require site plan review for the construction of new swimming pools, pool decks, slabs, and screened enclosures, the installation of new pool equipment, modifications to existing swimming pools, pool decks and screened enclosures which result in increased impervious area, the relocation of existing pool equipment, modifications to existing emergency electrical generators which result in increased impervious area or a reduction in buffering or screening, and the relocation of existing emergency electrical generators within the Town; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's code are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote 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:** Chapter 14. BUILDINGS AND BUILDING REGULATIONS. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article II. ADMINISTRATION. Division 3. BUILDING CONSTRUCTION AND SITE PLAN REVIEW, APPROVAL. to amend Section 14-62. PROCEDURE. to require site plan review for the construction of new swimming pools, pool decks, slabs, and screened enclosures, the installation of new pool equipment, modifications to existing swimming pools, pool decks and screened enclosures which result in increased impervious area, the relocation of existing pool equipment, modifications to existing emergency electrical generators which result in increased impervious area or a reduction in buffering or screening, and the relocation of existing emergency electrical generators within the Town; providing that Section 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 is-required for:

a. ~~T~~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. ~~Additionally, r~~Renovations of existing structures which change the footprint of the building or existing façade, ~~and~~

c. ~~applications for t~~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. shall be submitted to the planning and zoning board for site plan review and approval.

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.

(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:** Each and every other section and subsection of Chapter 14. BUILDINGS AND BUILDING REGULATIONS. Article II. ADMINISTRATION. Division 3. BUILDING CONSTRUCTION AND SITE PLAN REVIEW, APPROVAL. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

**Section 3:** All ordinances or parts of ordinances in conflict herewith 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 and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this 16<sup>th</sup> day of July, 2018.

SECOND AND FINAL READING this \_\_\_\_ day of June 2018.

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

\_\_\_\_\_  
Myra Koutzen, Mayor

Approved as to form and legal sufficiency.

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Keith Davis, Town Attorney

**ORDINANCE NO. O-2-18**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT SECTION II. DEFINITIONS. TO ADD DEFINITIONS FOR THE TERMS FENCE, CHAIN-LINK FENCE, STOCKADE FENCE AND WALL; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING ORDINANCE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Town regulations currently include a section governing walls, fences and hedges within the Town; and

**WHEREAS**, Town regulations currently include a definition for hedge but not fence or wall; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to define the terms fence, chain-link fence, stockade fence, and wall with the Town Zoning Ordinance; and

**WHEREAS**, the Town Commission has determined that such amendments to the Town's code are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote 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:** APPENDIX A. ZONING ORDINANCE. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at SECTION II. DEFINITIONS. to add definitions for the terms fence, chain-link fence, stockade fence, and wall; providing that new sections, appropriately numbered as Pf. 2.22.1, Pf. 2.22.2, Pf. 2.22.3, and Pf. 2.37.1, shall be inserted alphabetically within SECTION II. DEFINITIONS as follows:

## **SECTION II. - DEFINITIONS**

### **Pf. 2.22.1 - Fence.**

Any artificially constructed barrier of any material or combination of materials constructed along the full length of any or all property line(s), or within the property for the purpose of protection or confinement or as a boundary or for the purpose of blocking part of the property from view or access. Hedges, plants, shrubs or foliage shall not constitute a fence under this definition. Any such barrier made of concrete block, masonry or similar material is considered to be a wall; see definition Pf. 2.37.1 below.

### **Pf. 2.22.2 – Fence, chain-link.**

An open mesh fence made entirely of wire woven in squares with vertical supports.

### **Pf. 2.22.3 – Fence, stockade.**

A fence constructed of vertical wood strips or material similar in appearance.

### **Pf. 2.37.1 - Wall.**

A vertical structure made of concrete block, masonry or other similar material which may or may not have a foundation and may or may not be stuccoed and painted and which forms a physical barrier.

**Section 2:** Each and every other section and subsection of APPENDIX A. ZONING ORDINANCE. SECTION II. DEFINITIONS. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

**Section 3:** All ordinances or parts of ordinances in conflict herewith 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 and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this 16<sup>th</sup> day of July 2018.

LPA READING THIS \_\_\_\_ day of \_\_\_\_\_ 2018

SECOND AND FINAL READING this \_\_\_\_ day of August 2018.

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

\_\_\_\_\_  
Myra Koutzen, Mayor

Approved as to form and legal sufficiency.

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Keith Davis, Town Attorney

(Seal)