

August 26, 2020  
(Immediately following the 6:30 pm  
Planning and Zoning Board Meeting)



Town Hall  
247 Edwards Lane  
Palm Beach Shores, FL

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

**6:30 pm**

Janet Kortenhaus, Chairperson  
Jerald Cohn, Vice Chair

Tim Blash, Member  
Tracy Larcher, Member  
Nina Lammert, Member  
Kevin Banks, Member

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

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**PLEASE NOTE:**

**DUE TO MANDATES BY GOVERNOR DESANTIS,  
THIS MEETING WILL BE CONDUCTED USING  
COMMUNICATIONS MEDIA TECHNOLOGY.**

You can join virtually by installing the Webex app and entering the ID and password

**Number:** +1-408-418-9388  
**Access code:** 132 156 9731  
**Password:** 0826

**COMPUTER**

**Meeting link:**

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m58bffcbbf991cedbf2eb02b45d73ca2f> (click or copy this link into your internet browser)

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1. **CALL TO ORDER**

a. Roll call

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

3. **CONSENT AGENDA**

4. **MISCELLANEOUS BUSINESS**

a. **ORDINANCE NO. O-1-20:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT APPENDIX A. ZONING, SECTION VII. DISTRICT C REGULATIONS, PF. 7.3. BUILDING HEIGHT, BY INCREASING THE MAXIMUM BUILDING HEIGHT IN ZONING DISTRICT C FROM 42 FEET TO 46 FEET, AND BY ELIMINATING THE REQUIREMENT OF UTILIZING UNDERGROUND/DEPRESSED PARKING IN ORDER TO BUILD TO THE MAXIMUM BUILDING HEIGHT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING, 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.

*(Presented by Town Attorney)*

5. **PUBLIC COMMENT**

6. **STAFF REPORTS**

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 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-1-20**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING, SECTION VII. DISTRICT C REGULATIONS, PF. 7.3. BUILDING HEIGHT, BY INCREASING THE MAXIMUM BUILDING HEIGHT IN ZONING DISTRICT C FROM 42 FEET TO 46 FEET, AND BY ELIMINATING THE REQUIREMENT TO USE UNDERGROUND/DEPRESSED PARKING IN ORDER TO BUILD TO THE MAXIMUM BUILDING HEIGHT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING 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**, Town regulations for Zoning District C currently set maximum building heights for those buildings within the zoning district depending on whether the development utilizes underground/depressed parking or surface-level parking; and

**WHEREAS**, underground/depressed parking creates a potential for flooding of the underground parking area both during storm events and abnormally high tide events (King Tides) given the waterfront location of Zoning District C; and

**WHEREAS**, for hurricane hardening and flood protection purposes, the Town Commission of the Town of Palm Beach Shores desires to increase the maximum building height in Zoning District C and also desires to eliminate the requirement to use underground/depressed parking in order to build to the maximum building height; and

**WHEREAS**, the proposed increase in building height is less than 10% of the existing codified building height, which does not necessitate a referendum vote to implement pursuant to the Town's Charter; and

**WHEREAS**, the Town Commission has determined that these revisions 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 of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VII. District C Regulations., Pf. 7.3. Building height. By increasing the maximum building height in Zoning District C from 42 feet to 46 feet, and by eliminating the requirement to use underground/depressed parking in order

to build to the maximum building height for buildings in Zoning District C; providing that Pf. 7.3. Building height. shall hereafter read as follows:

**Pf. 7.3. - Building height.**

~~a. The maximum building height of any building in this district that does not utilize underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure shall be forty (40) feet and the top of the beam shall not exceed thirty five (35) feet measured from the grade elevation.~~

~~a~~b. The maximum height of any building in this district that utilizes underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure shall be forty-six two (46 2) feet measured from the grade elevation and the top of the beam shall not exceed ~~thirty seven (37)~~ forty-one (41) feet measured from the grade elevation.

~~b~~e. No building shall have more than three (3) stories.

~~c~~d. The maximum height of any accessory building in this district shall be fifteen (15) feet.

~~d~~e. Roof structures for housing elevator machinery, stairwell enclosures, tanks, skylights, chimneys, ventilating fans, receiving antennas, air conditioning equipment and non-habitable architectural features shall be permitted above the applicable height limit. Such structures shall not be greater in height and area than required to house such equipment, and such architectural features shall comply with section 14-87, Review criteria for architectural and design features. The total roof area of such roof structures shall not be greater than five (5) percent of the roof area of the building on which they are erected. Under no circumstances shall such roof structure be used or equipped for storage or habitation of any kind. All roof structures shall be shown on the original building plans submitted for approval.

~~e~~f. The minimum roof pitch shall be 4/12 and maximum roof pitch shall be 12/12. All structures with a flat roof shall also contain a visible roof pitch along the roof perimeter in order to conceal the flat roof.

**Section 2.** Each and every other section and subsection of Appendix A. Zoning 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.** If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

**Section 5.** Specific authority is hereby given to codify this Ordinance.

**Section 6.** This ordinance shall take effect immediately upon adoption.

FIRST READING this \_\_\_\_ day of \_\_\_\_, 2020.

SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_, 2020.

**TOWN OF PALM BEACH SHORES**

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Alan Fiers, Mayor

ATTEST:

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Evyyonne Browning, Town Clerk (Seal)

Approved as to form and legal sufficiency.

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Keith Davis, Town Attorney