

Wednesday, January 22, 2020
Immediately following the 6:30 P & Z
Meeting (or as soon thereafter as possible).



Town Hall
247 Edwards Lane
Palm Beach Shores, FL

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

Janet Kortenhaus, Chairperson
Jerald Cohn, Vice Chair

Melinda Blackburn, Member
Tim Blash, Member
Nina Lammert, Member
Jason Prince, Alternate

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

1. **CALL TO ORDER**
 - a. Roll call

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

3. **CONSENT AGENDA**

4. **MISCELLANEOUS BUSINESS**
 - a. Ordinance O-18-19: Amending the Flood Damage Prevention Ordinance to provide additional safeguards due to flooding through regulation of Land development and modifications to existing land development. *(Presented by Town Attorney)*
 - b. Ordinance O-19-19: Amending Chapter 14, Building and Building Regulations at Section 14-62 to provide additional requirements for site plan submittals relative to drainage calculations and mitigation; and at Section 14-166 to cross reference compliance with applicable drainage related portions of the Town's Zoning Ordinance. *(Presented by Town Attorney)*
 - c. Ordinance O-20-19: Amend Zoning, PF.5.4 to eliminate lot coverage credit for enclosed garages in zoning district A and at PF.17.1 to revise DRC composition to include professionals (including drainage professionals) asked by the Town to comment on particular applications and to add a fourth instance for a DRC review and to remove the requirement for multiple DRC reviews. *(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 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-18-19

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE OF THE TOWN OF PALM BEACH SHORES BY ADDING NEW SECTIONS THAT WILL PROVIDE ADDITIONAL SAFEGUARDS TO THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOODING THROUGH THE REGULATION OF LAND DEVELOPMENT AND MODIFICATIONS TO EXISTING LAND DEVELOPMENT, WHICH WILL MITIGATE THE IMPACTS OF LAND DEVELOPMENT ON THE FLOODPLAIN AND OTHER AREAS OF THE TOWN; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF THE FLOOD DAMAGE PREVENTION ORDINANCE AND CODE OF ORDINANCES WILL 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, flooding is one of Florida's most frequent hazards; and

WHEREAS, the residents, guests, and business owners in the Town of Palm Beach Shores have implored the Town Commission to develop new regulations that will minimize the impacts of land development on the floodplains and other areas of the Town; and

WHEREAS, Chapter 34 of the Palm Beach Shores Code of Ordinances, the Flood Damage Prevention Ordinance of the Town of Palm Beach Shores, provides minimum requirements to safeguard the public health, safety, and general welfare by establishing flood load and flood resistant construction requirements; and

WHEREAS, the Town Commission desires to respond to the requests of residents, guests, and business owners in the Town of Palm Beach Shores by adding new sections to the Flood Damage Prevention Ordinance that will mitigate the impacts of new land development and modifications to existing land development on the flood plain and other areas of the Town of Palm Beach Shores, Florida; and

WHEREAS, the Town Commission believes the following amendments to the Flood Damage Prevention Ordinance and Code of Ordinances are in the best interests of the health, safety, and welfare of the citizens of Palm Beach Shores, Florida.

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

Section 1: The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2: The Code of Ordinances, Town of Palm Beach Shores, Florida, is hereby amended by adding a section, to be numbered 34-90, which section reads as follows:

34-90. – Drainage Requirements For Single Family Development

- (1) New development of single-family residences, including raze and rebuild of previously developed lots, and modifications to existing single-family residences with 50% and greater increases in total impervious area or 50% and greater increases in total building area shall provide on-site retention (e.g., dry retention areas, swales, and/or exfiltration trenches, or other means as approved by the Town Engineer) at a rate equal to the volume of 1.0 inch of rainfall multiplied by the total on-site area.
- (2) Modifications to existing single-family residences with 49% and less increases in total impervious area or less than 49% increase in total building area shall provide on-site retention (e.g., dry retention area, swales, and/or exfiltration trench, or other means approved by the Town Engineer) at a rate equal to the volume of 1.0 inch of rainfall multiplied by the total additional on-site impervious area.

Section 3: The Code of Ordinances, Town of Palm Beach Shores, Florida, is hereby amended by adding a section, to be numbered 34-91, which section reads as follows:

34-91. – Drainage Requirements For All Other Development Projects.

For all development projects not regulated by section 34-90 of the Code of Ordinances, Town of Palm Beach Shores, Florida, the following regulations shall apply:

- (1) All new development projects, including raze and rebuild of previously developed lots, and modifications to existing development with 50% and greater increases in total impervious area or 50% and greater increases in total building area shall meet the drainage criteria prescribed by the South Florida Water Management District manual. In particular, the finished floor elevation shall be protected from 100 year, three day, zero discharge storm events; parking and roadways shall be protected from five year, one day storm events; water

quality retention shall be provided and equal to 150% of the greater of one inch or two and one-half times the percent of impervious area for the overall site; and adequate drainage shall be provided to prevent stormwater runoff to adjacent properties.

a. In addition to the preceding requirements, if a development project regulated by this subsection discharges to a Town facility, roadway or pipe (e.g., overflow to a roadway or hard connection to a piped system,) then the development project shall also retain 3.2 inches (five year, one hour storm event) prior to discharge.

(2) All modifications to existing developments with 49% and less increase in total impervious area or 49% and less increase in total building area shall provide on-site compensating storage for the loss of soil storage from the additional impervious area or additional building area. Soil storage shall be calculated based on existing site elevations and depth to water table in accordance with the following criteria:

<u>Depth To Water Table (In Feet)</u>	<u>Cumulative Water Storage (In Inches)*</u>
<u>1</u>	<u>.45</u>
<u>2</u>	<u>1.88</u>
<u>3</u>	<u>4.95</u>
<u>4</u>	<u>8.18</u>

* Assumes compacted soil.

Section 4: Each and every other section and subsection of the Flood Damage Prevention Ordinance and Code of Ordinances, Town of Palm Beach Shores, Florida, shall remain in full force and effect as previously adopted.

Section 5: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6: Should any section or provision of this ordinance, 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: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 8: 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

Myra Koutzen, Mayor

ATTEST:

Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency.

Keith Davis, Esq., Town Attorney

ORDINANCE NO. 0-19-19

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA AMENDING THE CODE OF ORDINANCE OF THE TOWN OF PALM BEACH SHORES AT CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS BY AMENDING SECTION 14-62 TO PROVIDE ADDITIONAL REQUIREMENTS FOR SITE PLAN SUBMITTALS RELATIVE TO DRAINAGE CALCULATIONS AND MITIGATION; AND AT SECTION 14-166 TO CROSS REFERENCE COMPLIANCE WITH THE APPLICABLE DRAINAGE RELATED PORTIONS OF THE TOWN'S ZONING ORDINANCE; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF CHAPTER 14 OF THE TOWN'S CODE OF ORDINANCES WILL 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, flooding is one of Florida's most frequent hazards; and

WHEREAS, the residents, guests, and business owners in the Town of Palm Beach Shores have implored the Town Commission to develop new regulations that will minimize the impacts of land development on the floodplains and other areas of the Town; and

WHEREAS, Chapter 14 of the Palm Beach Shores Code of Ordinances, the Town's building regulations, provide requirements for site plan submittals and drainage management to safeguard the public health, safety, and general welfare; and

WHEREAS, the Town Commission desires to respond to the requests of residents, guests, and business owners in the Town of Palm Beach Shores by amending the Town's building regulations to provide additional site plan submittal requirements and drainage management requirements that will mitigate the impacts of new land development and modifications to existing land development on the flood plain and other areas of the Town of Palm Beach Shores, Florida; and

WHEREAS, the Town Commission believes the following amendments to the Town's building regulations are in the best interests of the health, safety, and welfare of the citizens of Palm Beach Shores, Florida.

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

Section 1. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2: The Code of Ordinances, Town of Palm Beach Shores, Florida, is hereby amended at Chapter 14. Buildings and Building Regulations; Article II. Administration. Division 3. Building Construction and Site plan Review, Approval. Sec. 14-62. Procedure. By updating the requirements for provision of drainage data; 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 is required for 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. Additionally, renovations of existing structures which change the footprint of the building or existing facade, and applications for the installation of permanently installed (non-portable) emergency electrical generators shall be submitted to the planning and zoning board for site plan review and approval.
- (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, setbacks, grading, drainage and topographic elevations onsite and ten feet off-site (including direction of flow, retention, etc.), as well as the relationship of the site to neighboring sites; and tabular data (existing and proposed) showing compliance with all lot coverage, floor area, building height, grade and landscaping requirements, and other relevant provisions of the Town's Zoning Ordinance. Tabular data should be submitted with the site plan review application and appear on signed and sealed schematics as well.
 - 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 3: The Code of Ordinances, Town of Palm Beach Shores, Florida, is hereby amended at Chapter 14. Buildings and Building Regulations; Article V. Clearing, Filling and Excavating of Land; Division 3. Standards; Sec. 14-166. Drainage. by cross-referencing applicable zoning code requirements; providing that Sec. 14-166 shall hereafter read as follows:

Sec. 14-166. - Drainage.

In addition to meeting the requirements of this chapter, ~~and~~ all applicable sections of chapter 34 of the Town Code, and all applicable provisions of the Town's Zoning Ordinance, the design and performance of all stormwater management systems shall comply with applicable federal, state and local regulations, and requirements of the South Florida Water Management District. In all cases, the strictest of the applicable standards shall apply.

Section 4: Each and every other section and subsection of Chapter 14. Buildings and Building Regulations of the Code of Ordinances of the Town of Palm Beach Shores shall remain in full force and effect as previously adopted.

Section 5: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6: Should any section or provision of this ordinance, 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: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 8: 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

Myra Koutzen, Mayor

ATTEST:

Approved as to form and legal sufficiency

Evyonne Browning, Town Clerk

Keith Davis, Esq., Town Attorney

ORDINANCE NO. 0-20-19

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA AMENDING THE CODE OF ORDINANCE OF THE TOWN OF PALM BEACH SHORES AT APPENDIX A. ZONING BY AMENDING PF. 5.4 TO ELIMINATE LOT COVERAGE CREDIT FOR ENCLOSED GARAGES IN ZONING DISTRICT A; AND AT PF. 17.1. TO REVISE DRC COMPOSITION TO INCLUDE PROFESSIONALS THAT MAY BE ASKED BY THE TOWN TO COMMENT ON ANY PARTICULAR APPLICATION, INCLUDING DRAINAGE COMMENTS; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF APPENDIX A. ZONING. OF THE TOWN'S CODE OF ORDINANCES WILL 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, flooding is one of Florida's most frequent hazards; and

WHEREAS, the residents, guests, and business owners in the Town of Palm Beach Shores have implored the Town Commission to develop new regulations that will minimize the impacts of land development on the floodplains and other areas of the Town; and

WHEREAS, Appendix A. Zoning. of the Palm Beach Shores Code of Ordinances provides for certain lot coverage credit for enclosed garages in Zone A, and provides for specific DRC membership for review of all development applications; and

WHEREAS, the Town Commission desires to respond to the requests of residents, guests, and business owners in the Town of Palm Beach Shores by amending the Town's zoning ordinance to eliminate the enclosed garage lot coverage credit and to allow for DRC attendance by any relevant professionals who have submitted comments on any particular development application on behalf of the Town, including drainage professionals, in order mitigate the impacts of new land development and modifications to existing land development on the flood plain and other areas of the Town of Palm Beach Shores, Florida; and

WHEREAS, the Town Commission believes the following amendments to the Town's zoning code are in the best interests of the health, safety, and welfare of the citizens of Palm Beach Shores, Florida.

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

Section 1. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2: The Code of Ordinances, Town of Palm Beach Shores, Florida, is hereby amended at Appendix A. Zoning. Pf. 5.4. Maximum Lot Coverage; lot coverage calculation. by eliminating the lot coverage credit for enclosed garages; providing that Pf. 5.4 shall hereafter read as follows:

Pf. 5.4. - Maximum lot coverage; lot coverage calculation.

- (a) Lot coverage, single story principal building. The maximum percentage of coverage of a lot by buildings as set forth in Pf. 2.13., including all accessory buildings and garages, for a single story principal building shall be forty (40) percent, except where a residential structure is built on two (2) adjoining platted lots as allowed by Pf. 5.3. above, in which case the maximum percentage of coverage of the adjoining lots by buildings shall be thirty (30) percent.
- (b) Lot coverage, two-story principal building. The maximum percentage of coverage of a lot by buildings as set forth in Pf. 2.13., including all accessory buildings and garages, for a newly constructed two-story principal building shall be thirty-five (35) percent, except where a residential structure is built on two (2) adjoining platted lots as allowed by Pf. 5.3. above, in which case the maximum percentage of coverage of the adjoining lots by buildings shall be twenty-five (25) percent; the floor area ratio requirements at Pf. 5.4.2 must also be applied for all two-story principal structures.
- ~~(c) District specific calculation requirements. For any newly constructed principal building, a lot coverage credit of two hundred (200) square feet shall be given when the principal building includes an enclosed garage which is a minimum of two hundred (200) square feet. The lot coverage credit shall be applied only to that portion of the lot coverage attributable to the first floor of the principal building and shall not be credited to second floor balconies.~~

Section 3: The Code of Ordinances, Town of Palm Beach Shores, Florida, is hereby amended at Appendix A. Zoning. Pf. 17.1. Review by the Development Review Committee. to allow for DRC attendance by any relevant professionals who have submitted comments on any development application on behalf of the Town, including drainage professionals; providing that Pf. 17.1 shall hereafter read as follows:

Pf. 17.1. - Review by the Development Review Committee.

- A. Composition. The Development Review Committee, commonly known as the DRC, shall be composed of the following staff members: The Town Building Official, Town Clerk, Town Administrator, Town Attorney, ~~and~~ Town Fire Inspector, and any relevant professional that has submitted comments at the request of the Town. In addition, the DRC composition shall include one member of the Town Commission who shall act as chairperson, and one member of the Town Planning and Zoning Board who shall act as chairperson in the commission member's absence. Both the Town Commission and the Town Planning and Zoning Board shall appoint their own respective DRC representatives from time to time. Finally, the DRC composition shall include, if possible, one at-large member and one alternate for the at-large member each of whom shall be residents of the Town, and each of whom shall serve a one year term beginning in April of each year. It is the intent of this section that the at-large resident member and alternate should change on an annual basis, if possible. The Town Commission shall be responsible for appointing the at large resident member and alternate in conjunction with its annual reorganization. The Town may request additional comments from the Police Chief and/or a Planning Consultant, architect, civil engineer or other relevant professional on an as needed basis, or whenever issues or concerns regarding neighborhood compatibility that are not resolved by consent of the applicant are deemed to exist. A civil engineer may be consulted to review all grading, paving and drainage plans for ~~multi-family~~ development projects at the DRC's discretion. The applicant shall be responsible for all costs associated with any consultants utilized by the Town for review of their application.
- B. Duties and Responsibilities. The DRC shall be charged with the following duties and responsibilities:
- (1) Review all development applications submitted to the Town which are required to be submitted to the Planning and Zoning Board for review.
 - (2) Multiple DRC reviews may be required to address issues associated with:
 - (a) Requests for construction or expansion of a single-story building in excess of the maximum permitted lot coverage or floor area ratio (this may occur in conjunction with DRC variance review.
 - (b) Requests for construction or expansion of a single- family building that includes a second story.

- (c) Requests for expansion of a single-family building's total floor area by more than an area equivalent to a ratio of thirty (30) percent lot coverage.
- (3) The chairperson of the DRC shall have the authority to waive the requirement of a DRC review meeting regarding a proposed development application if all of the following conditions precedent are met:
 - (a) The total cost of the proposed development is less than twenty-five (25) percent of the market value of the subject property;
 - (b) The proposed development application requests only an addition or renovation to an existing building and does not propose construction of a new building;
 - (c) The proposed development does not require a variance or special exception; and
 - (d) The proposed development application is not for the addition of a second story to a single-story building.
- C. Notice Requirements. Whenever a development application contains issues identified in section B. (2) above, the applicant shall be required to provide notice of all subsequent DRC reviews to all property owners whose property is adjacent to the subject property. For purposes of this requirement, "adjacent" property shall mean property that physically touches the subject property, as well as property directly across any road or street from the subject property. Notice shall be given by Certified Mail, Return Receipt Requested, and should be mailed so that all recipients have at least ten (10) days actual notice of the DRC review. The applicant shall be responsible for all costs associated with these notice requirements. The applicant shall provide proof that these notice requirements have been met at the DRC review. Proof shall be in the form of a certified mail return receipt.
- D. Schedule.
 - (1) The DRC shall convene on the first Wednesday of each month at a time to be set by the Town which may be revised from time to time as necessary. Additionally, special meetings of the DRC may be called by the Town Clerk should development activity within the Town require same.
 - (2) The DRC will review all completed applications which are submitted by the close of business on Monday of the week prior to the regularly scheduled DRC meeting. For special meetings called as noted above, all applications must be submitted at least one (1) full week prior to the special meeting.

Section 4: Each and every other section and subsection of Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores shall remain in full force and effect as previously adopted.

Section 5: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6: Should any section or provision of this ordinance, 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: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 8: 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

Myra Koutzen, Mayor

ATTEST:

Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency.

Keith Davis, Esq., Town Attorney