

Monday, June 14, 2021
7:00 pm



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

**TOWN COMMISSION
WORKSHOP AGENDA**

Mayor Alan Fiers
Vice Mayor Scott McCranel

Commissioner Tracy Larcher
Commissioner Janet Kortenhaus
Commissioner Brian Tyler

Keith Davis, Town Attorney
Town Administrator Wendy Wells
Town Clerk Evyonne Browning

PLEASE NOTE:

**THIS MEETING MAY BE CONDUCTED USING
COMMUNICATION MEDIA TECHNOLOGY**

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m5b7bb022781925b570eeacfabe88403a>

Meeting number: **132 222 7852**

Password: **0614**

Join by phone: +1-408-418-9388

Access code: **132 222 7852**

Password: **0614**

1. **CALL TO ORDER**

- a. Pledge of Allegiance
- b. Roll Call

2. **PRESENTATIONS AND/OR DISCUSSIONS:**

- a. Zoning District B discussion
- b. Ordinance O-1-21 Gate and Gatepost Heights – Discussion prior to first reading at June Commission meeting.
- c. Ordinance O-3-21 Emergency Generator and AC Regulations– Discussion prior to first reading at June Commission meeting.
- d. Beach Cabanas - Request from Oceanside Beach Services
- e. Beach Parking Permits for Non-Residents - Currently 40 passes at \$200 each - Discuss quantity and price.
- f. Budget FY2022 Schedule

3. **PUBLIC COMMENTS**

4. **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 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.



Town of Palm Beach Shores
Commission Workshop
June 14, 2021

Zoning District B

Reminder – This is only a workshop. No decisions can be made tonight.

The redevelopment of District B is not a new topic. Past discussions have gone all the way to a referendum twice only to fail. After the referendums failed, it was thought that improvements to District B properties would occur without zoning changes. That has not materialized.

Included for historical reference please find the proposed changes requested in 2005 and 2014. It is prudent to consider the specifics of what was not approved. There is also a rendering of what was being considered when the 2014 changes were proposed. This merely demonstrates the impact a change in aesthetics can make. The intention in providing these documents is to provide a history of what has been presented in the past.

Another aspect of the District B discussion is the crime that occurs in that zone. PBSO has provided a report of crime in Town by zone for the past 5 years showing the most incidents occurring in zone B.

Tonight's discussion is intended to set the tone for potentially revising zoning in District B to encourage redevelopment, improving aesthetics, increasing property values, and reducing crime.

Attachments:

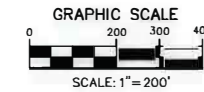
1. Town Zoning Map
2. Town Code – Appendix A - Zoning Ordinance – Section VI District B Regulations
3. PBSO District 20 Incidents by Zone
4. 2010 Rendering of Ocean Avenue
5. 2005 Sample Ballot including variances in District B
6. Agenda item for 2014 referendum regarding overlay on zoning District B

Discuss potential changes to District B zoning regulations.



NOTE:
THIS COLOR MAP OF THE
ZONING DISTRICTS OF THE
TOWN OF PALM BEACH
SHORES IS TO BE USED
FOR REFERENCE ONLY.
THE OFFICIAL TOWN
ZONING MAP MAY BE
EXAMINED AT TOWN HALL.

ZONING MAP PALM BEACH SHORES



LEGEND

- ZONE A
- ZONE B
- ZONE C
- ZONE D
- ZONE P
- ZONE ROS



DONATED BY:
SARN Inc.
Engineers Surveyors GIS Mappers

SECTION VI. - DISTRICT B REGULATIONS

Footnotes:

--- (4) ---

Cross reference— *Satellite dish antenna regulations and requirements for this district, § 14-312; restrictions on location and type of sign, § 58-51; temporary signs permitted in certain zoning districts, § 58-53.*

Pf. 6.1. - Permitted and special exception uses.

(a) *Permitted uses.* Permitted uses in District B shall be only the following:

- (1) Any use permitted in District A.
- (2) Multiple-family dwellings and two-family or duplex dwellings.
- (3) Accessory buildings and uses, including private garages when located on the same building site.
- (4) Group home facilities as defined in Section II must be confined to a single lot of record existing as of May 17, 1999; and must be separated from any lot located in Zoning District "A" by a minimum of three hundred fifty (350) feet and from any other lot on which another such facility is located by a minimum of five hundred (500) feet. Distance requirements shall be measured from property line to property line along the public streets.

(b) *Special exception uses.* Parking lots connected with a hotel located adjacent thereto or immediately across the street therefrom may be allowed as an off site accessory use by special exception only. Application for this special exception Use may be allowed only if no property adjacent thereto is being utilized as a single-family detached dwelling unit. All standards as set forth in Section XV. Pf. 15.7. must be met.

(c) *[Boarding houses and/or rooming houses.]* Boarding houses and/or rooming houses, as defined at Pf. 2.7. are prohibited as a use in this zoning district.

(Ord. No. O-07-99; Ord. No. O-05-99, § 1, 6-7-99; Ord. No. O-9-06, § 4, 3-19-07; Ord. No. O-2-11, § 1, 9-19-11)

Pf. 6.2. - Building height.

- a. The maximum 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 twenty-nine (29) feet and the top of the beam shall not exceed twenty-four (24) feet measured from the grade elevation.
- 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 thirty (30) feet and the top of the beam shall not exceed twenty-five (25) feet measured from the grade elevation.
- c. No building shall have more than two (2) stories.
- d. The maximum height of any accessory building in this district shall be fifteen (15) feet.
- e. No roof structures shall be permitted above the applicable height limit except as set forth herein. Working chimneys shall be allowed to exceed the maximum permitted height, but shall not be greater in height than required for compliance with any other applicable code.
- 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.

(Ord. No. 218, § 1, 12-9-85; Ord. No. O-1-05, § 4, 6-20-05; Ord. No. O-4-07, § 2, 3-19-07)

Pf. 6.3. - Building site area.

The minimum building site area shall be one (1) platted lot. The maximum building site area shall be two (2) adjoining platted lots as set out on the plat of Palm Beach Shores, as amended.

(Ord. No. O-07-01, § 2, 9-17-01)

Pf. 6.4. - Maximum lot coverage; lot coverage calculation.

- (a) *Lot coverage.* The maximum percentage of coverage of a lot by buildings as set forth in Pf. 2.13., including all accessory buildings and garages that are not underground or depressed shall be forty (40) percent for one (1) story buildings and thirty-six (36) percent for two (2) story buildings. However, any two-story building that utilizes underground/depressed parking pursuant to Pf. 12.6, or a combination of underground/depressed parking pursuant to Pf. 12.6 and surface level enclosed private garage parking, to contain all required parking for residents of the structure, and that contains dwelling units with a minimum floor area of one thousand seven hundred (1,700) square feet, may increase its maximum percentage of coverage of a lot by buildings to forty-five (45) percent.
- (b) *District specific calculation requirements.* A maximum square footage equal to seven (7) percent of the floor area total per dwelling unit may be utilized as uncovered cantilevered balconies above the first floor, or as uninhabitable architectural features on any floor projecting beyond the exterior face of exterior walls or supporting columns without being included in the calculation for lot coverage, up to a maximum dwelling unit size of two thousand (2,000) square feet.

(Ord. No. O-1-05, § 4, 6-20-05; Ord. No. O-5-10, § 1, 6-21-10)

Pf. 6.5. - Dwelling unit density.

Maximum dwelling unit density shall not be greater than twenty-one (21) units per acre. In the calculation of number of dwelling units permitted on a specific lot, determination shall be made by dividing the total square footage of the lot by a factor of 2074.28. A remaining fraction of one-half or greater shall entitle the developer to one additional dwelling unit, but there shall be no additional entitlement for a remaining fraction of less than one-half.

Pf. 6.6. - Front yard.

There shall be a front yard not less than fifteen (15) feet in depth. No building or part of a building hereinafter erected or structurally altered shall project beyond the front building line except architectural features as set forth at Pf. 6.8.1 and eaves, which may project two (2) feet beyond this line. Parking on the adjacent street is strictly prohibited as set forth in section 70-52 of the Town Code. Additionally, parking in the adjacent ten (10) foot strip of Town property shall be prohibited as set forth in Pf. 6.9 below.

(Ord. No. O-1-05, § 4, 6-20-05; Ord. No. O-5-10, § 1, 6-21-10)

Pf. 6.7. - Rear yard.

There shall be a rear yard not less than fifteen (15) feet in depth. No building or any part of a building shall project beyond the rear building line, except architectural features as set forth at Pf. 6.8.1 and eaves, which may project two (2) feet beyond the rear building line.

(Ord. No. O-1-05, § 4, 6-20-05)

Pf. 6.8. - Side yard.

- (a) On both sides of every building site there shall be a side yard having a minimum width of ten (10) feet, except on corner lots where the side yard along the outer side lot lines shall have a minimum width of fifteen (15) feet. Width of the side yards shall be measured at right angles to the side lines. No building or part of a building shall project beyond the side building lines except architectural features as set forth at Pf. 6.8.1 and eaves, which may project a maximum of two (2) feet beyond this line.
- (b) Any two story building that utilizes underground/depressed parking pursuant to Pf. 12.6, or a combination of underground/depressed parking pursuant to Pf. 12.6 and surface level enclosed private garage parking, to contain all required parking for residents of the structure, and that contains dwelling units with a minimum floor area of one thousand seven hundred (1,700) square feet, may reduce the side yard setback abutting either Lake Avenue or Ocean Avenue by a maximum of five (5) feet when a licensed engineer has certified in writing that such setback reduction is needed to accommodate vehicle access from the front of the property into a rear entry depressed parking level. The engineer's report shall address the use of the depressed parking level, the access to same from the rear of the building and the necessity of adequate turning radii for vehicle ingress from and egress to the front of the property. Parking on the adjacent street (Lake Avenue or Ocean Avenue) is strictly prohibited as set forth in section 70-52 of the Town Code. Additionally, parking in the ten-foot strip of Town property adjacent to Lake Avenue or Ocean Avenue shall be prohibited as set forth in Pf. 6.9 below.

(Ord. No. O-1-05, § 4, 6-20-05; Ord. No. O-5-10, § 1, 6-21-10)

Pf. 6.9. - Town property.

- (a) The ten-foot strip of Town property on both sides of the streets may be used by the owner of the abutting property with the same restrictions as to use for front yards in this district; provided, however, that no fences, walls, or other structures above or below ground may be placed in this ten-foot strip of Town property. Pavement for driveways and parking area approaches (including driveway pavers subject to the requirements of subsection (c) below) may be placed in this ten-foot strip, which may also be used for temporary parking but may not be counted as a part of the required minimum off-street parking area. If, in the future, this ten-foot strip shall be needed by the Town for any purpose, any improvement placed in this area may be removed by the Town without liability to the Town.
- (b) Except as hereinafter permitted, parking in this ten-foot strip is prohibited, unless within the permitted driveway and parking area approach located in this ten-foot strip as permitted in subsection (a), above.
- (c) Lots that have, as of the adoption of the ordinance from which this section is derived, a parking area adjacent to the street within this ten-foot strip may continue to use said parking area, subject to the provisions of this section. However, no double parking shall be permitted thereon (see also section 70-32(4) of this Code), and no alteration of any such parking areas shall be permitted, except that such parking areas may be improved

by replacing existing asphalt or concrete with driveway pavers, or otherwise as required by law or ordinance. To install pavers within the ten-foot Town strip, a limited agreement for construction in road right-of-way must be executed by both the property owner and the Town and recorded in the public records. Such agreement shall be executed and recorded prior to building permit issuance.

- (d) The parking areas to which subsection (c) above applies, shall terminate and such parking areas shall be removed and replaced with approved pavement for driveways and parking area approaches, and landscaping pursuant to chapter 78, vegetation, at the lot owner's expense, in accordance with the occurrences set forth at Pf. 5.98.d.l. through 4. for any property whose principal building is a single family structure; and upon the construction of a new principal (meaning non-accessory) building or upon a change in use for all other properties.
- (e) In order to provide all current lot owners, and any other parties who have or may acquire an interest in property in District "B" with proper notice of these regulations, the Town shall provide each current lot owner in District "B", as listed in the Tax Collector's Office for tax notices, with written notice of same, and shall record a copy of this ordinance in the Public Records of Palm Beach County, Florida.

(Ord. No. O-1-05, § 4, 6-20-05; Ord. No. O-11-18, § 1, 12-17-18)

Pf. 6.11. - Easement use.

Any improvement in the area placed in the area of the utility easement shall be so arranged that it permits unhindered access to utility installations in this area. Such improvements in the area may, if necessary for repair, maintenance and service of utility installations, be removed by the utility company without any liability to said company.

Pf. 6.12. - Off-street parking.

Multiple-family residences shall have a minimum of one and one-quarter ($1\frac{1}{4}$) off-street parking spaces for each hotel and motel room, one bedroom or efficiency apartment. One and one-half ($1\frac{1}{2}$) parking spaces for two-bedroom apartments and one-half ($\frac{1}{2}$) space for each additional bedroom. Off-street parking spaces shall be paved and marked with a minimum size of nine by twenty (9×20) feet, and so arranged that any vehicle may be parked and removed without moving any other vehicle. Parking area and arrangement of spaces shall be shown on the original building plans submitted to the Planning and Zoning Board. The ten-foot strip of Town property may be paved for driveways and parking area approaches and used for temporary parking, but may not be counted as a part of the required minimum off-street parking area.

No parking is permitted in any yard area except in approved parking spaces, and except as allowed by the Town Code at chapter 70, traffic and vehicles.

(Ord. No. 201, § 1, 8-8-83; Ord. No. O-06-03, § 2, 10-20-03)

Cross reference— Offstreet parking lot layout, § 70-101 et seq.



Palm Beach County Sheriff's Office

District 20 Incidents by Zone

Case Number Count

1/1/16-4/30/21



Data Source: CrimeView Desktop and Palm Beach Shores RMS

Zone A	
Incident Type	Incident Count
Assault	2
Assault Domestic Related	1
Assault Just Occurred	1
Burglary Construction	1
Burglary Residence	19
Burglary Vehicle	15
Domestic	18
Domestic In Progress	1
Domestic Unfounded	1
Stolen Vehicle	2
Vandalism	4
Total	65

Zone B	
Incident Type	Incident Count
Assault	9
Assault Domestic Related	5
Burglary Residence	14
Burglary Vehicle	18
Domestic	55
Domestic In Progress	6
Domestic Armed	1
Domestic Unfounded	1
Robbery	1
Stolen Vehicle	1
Vandalism	5
Total	116

Zone C	
Incident Type	Incident Count
Assault	4
Assault Domestic Related	1
Burglary Business	1
Burglary Residence	1
Burglary Vehicle	11
Domestic	6
Domestic In Progress	2
Domestic Unfounded	1
Robbery	1
Stolen Vehicle	1
Vandalism	4
Total	33

Zone D	
Incident Type	Incident Count
Assault	8
Assault Domestic Related	1
Assault Just Occurred	2
Burglary Vehicle	11
Business Burglary	4
Domestic	13
Domestic In Progress	2
Robbery	1
Stolen Vehicle	3
Vandalism	3
Total	48

Zone P	
Incident Type	Incident Count
Assault	1
Domestic	2
Stolen Vehicle	1
Total	4

Incidents outside a Zone	
Incident Type	Incident Count
Assault	1
Assault Domestic Related	1
Vandalism	1
Burglary Vehicle	2
Domestic	1
Total	6

*Please note, data from the Palm Beach Shores RMS system listed as “Property Damage” was included under Vandalism calls. Additionally, the incidents outside a zone fell within the area of the street which is not covered by a zone.

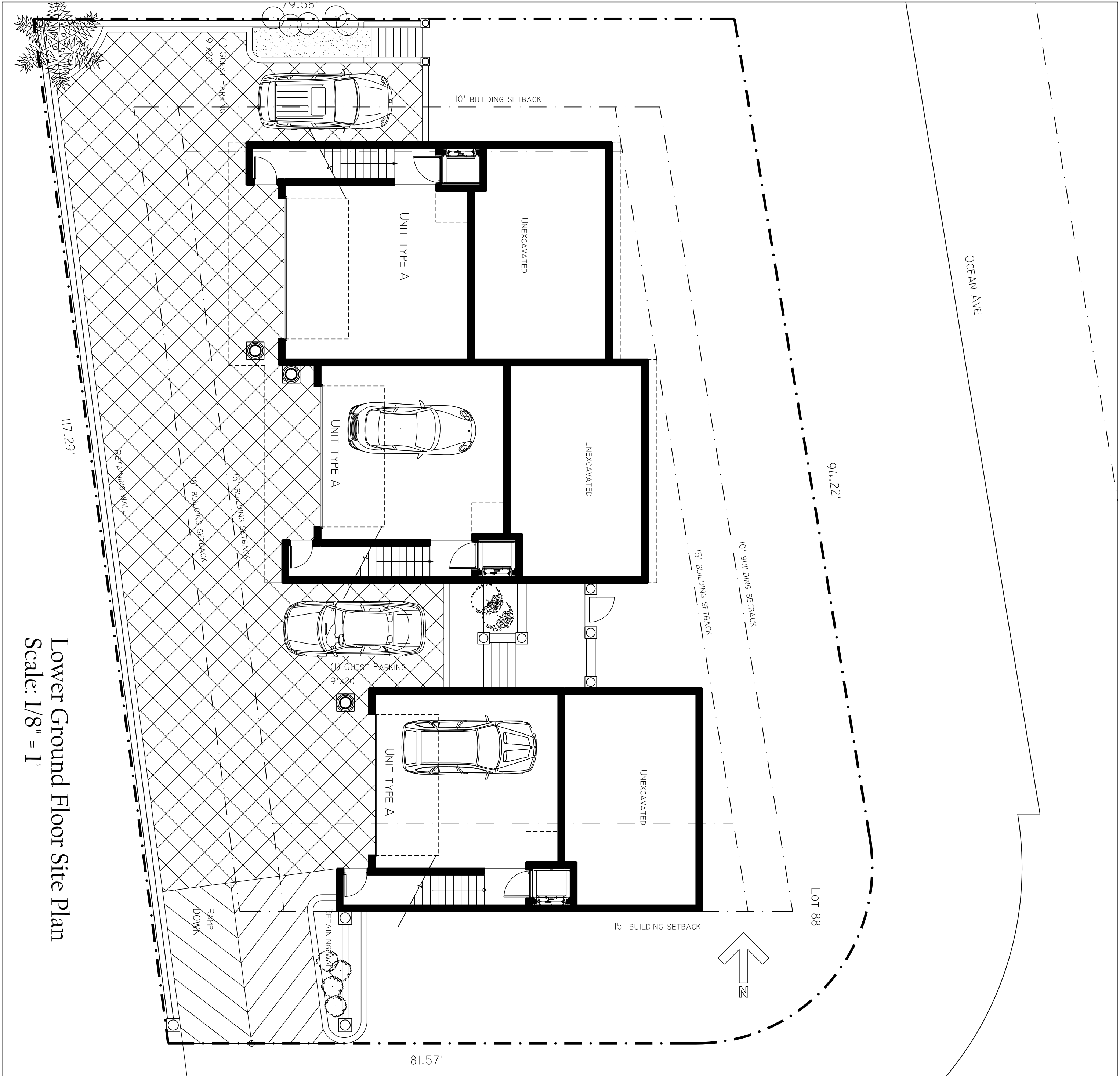


Zone

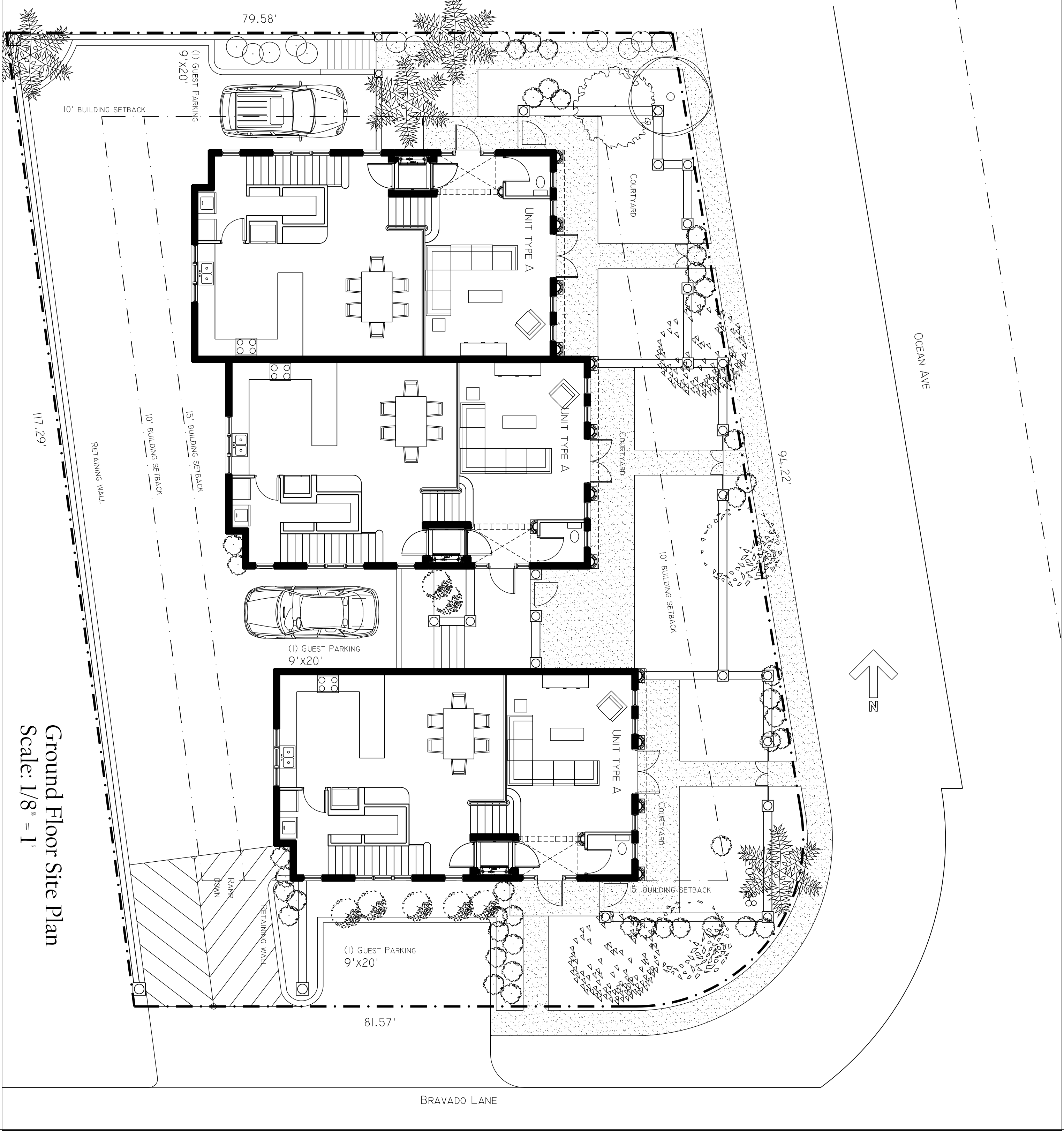
- Zone A
- Zone B
- Zone C
- Zone D
- Zone P
- Zone ROS

- ASSAULT
- BUSINESS BURGLARY
- DOMESTIC
- RESIDENTIAL BURGLARY
- ROBBERY
- STOLEN VEHICLE
- VANDALISM
- VEHICLE BURGLARY
- BURGLARY - ALL OTHER

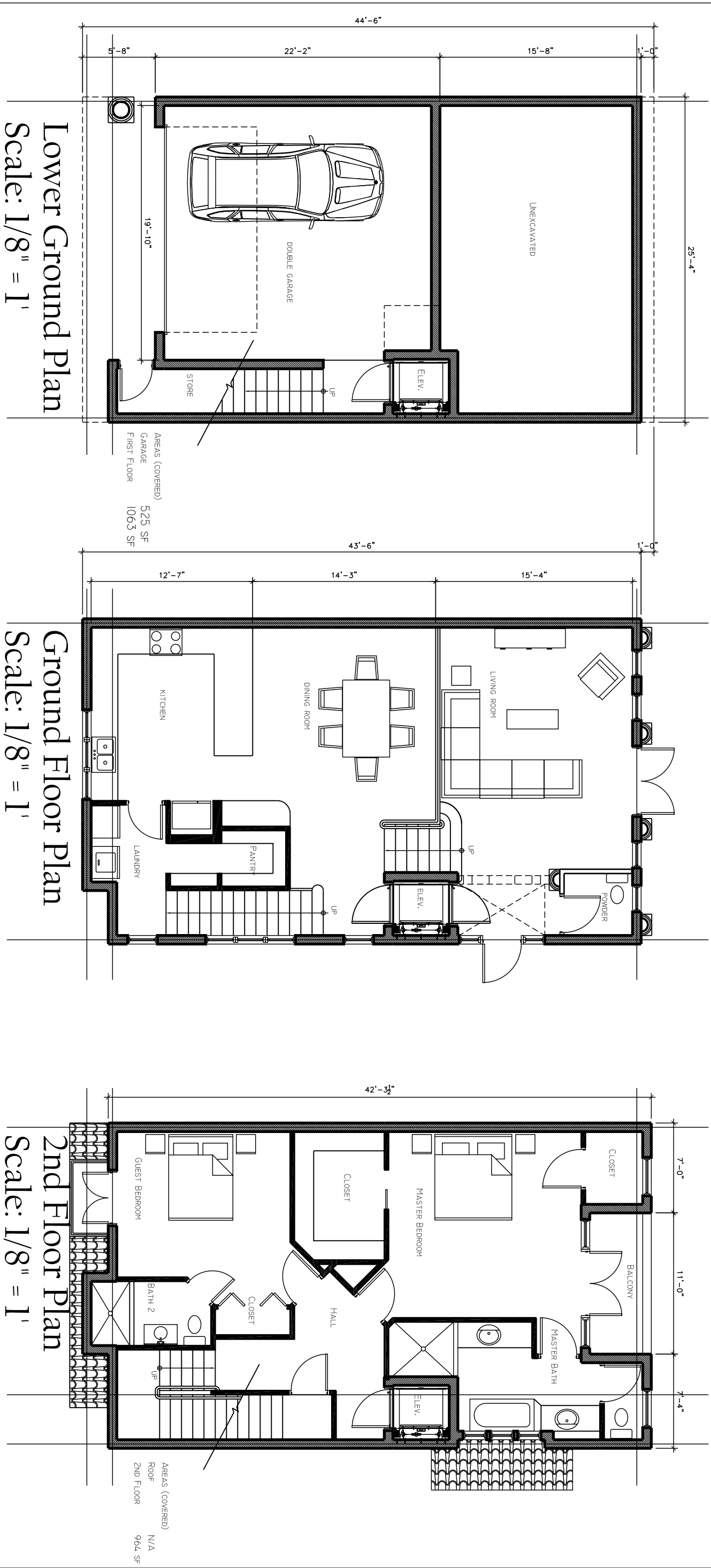
The mapping zones were created using the Parcel Shapefile in CrimeView Desktop, and was designed to mirror the Zoning Map from the Town of Palm Beach Shores. Parcels were not able to be given multiple Zones.



Lower Ground Floor Site Plan
Scale: 1/8" = 1'



Ground Floor Site Plan
Scale: 1/8" = 1'



Concept Perspective

SITE PLAN & FLOOR PLANS
BRAVADO LANE
BRAVADO LANE, PALM BEACH SHORES, FL.

DRAWING REVISION:	BY:	DATE:



office (866) 543-4991
128 peabody drive
jupiter, florida. 33458
ssc-usa@comcast.net
ssc design group
south africa namibia united states of america

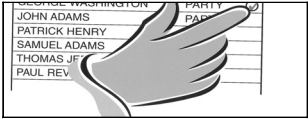
Copyright Note
This drawing is the property of SSC Architects (South Africa) and may not be reproduced or copied in whole or in part without the written approval of the Owner. It is for use only on the project and site identified herein.

TOUCH SCREEN VOTING INSTRUCTIONS

You may take this information with you into the voting booth for reference



INSERT
Insert the Special Voter Card provided to you by the Poll Worker.



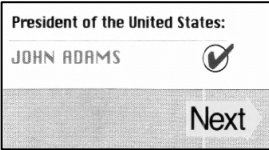
TOUCH
Touch the circle next to your choice. Be sure you get a check mark in the circle of your selection.



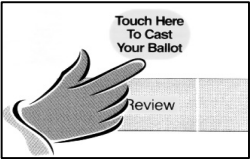
TO CHANGE
Touch the checkmark to cancel your selection and all the circles will reappear. Then, touch your new selection.



NEXT
Touch **NEXT** to continue to the next screen.



REVIEW
An automatic Ballot REVIEW screen will appear when you reach the end of the Ballot. This screen will allow you to **REVIEW** your selections. **TO MAKE CHANGES**, touch the candidate or issue you want to change and you will be returned to that screen. If there are no change(s), touch **NEXT** to go to the last screen.



CAST YOUR BALLOT
When you reach the last screen, you will see a yellow box labeled “TOUCH HERE TO CAST YOUR BALLOT”. To cast your Ballot, touch the yellow box in the middle of the screen. Please remember that you cannot change your mind after the Ballot is cast.



RETURN VOTER CARD
After casting your Ballot, the Voter Card will pop out of the voting machine. Please return it to a Poll Worker and get your “I VOTED” sticker.

PHOTO AND SIGNATURE ID IS REQUIRED when you go to your polling place to vote. Each elector is required to present a Florida Driver's License, a Florida Identification Card issued under s. 322.051, F.S., or any other acceptable photo ID. If you do not have a picture ID, you will be required to complete an Affidavit verifying your identity.

YOUR POLLING LOCATION is listed on your Voter ID Card. You must notify the Elections Office if you move from the address listed on your Voter ID Card. If you are unsure of the polling location of your new Precinct, call 561-656-6200.

The polls are open from 7:00 A.M. to 7:00 P. M. on Election Day

SAMPLE BALLOT

OFFICIAL BALLOT

TOWN OF PALM BEACH SHORES - MUNICIPAL ELECTION

MARCH 8, 2005

FOR COMMISSIONER	
(Vote for not more than Two)	
Angela Morlok	<input type="radio"/>
Thomas R. Sullivan	<input type="radio"/>
John M. Workman	<input type="radio"/>

Referendum Question No. 1	
Height Variance request for Real Property located at 101 and 107 Tacoma Lane	
Shall a variance be granted to allow three (3) story townhouses, not to exceed thirty-six (36) feet in height, measured from grade to the mean level between the eaves and ridge of the highest roof, to be developed on the real property located at 101 and 107 Tacoma Lane where the code now allows a maximum height of twenty-five (25) feet?	
YES	<input type="radio"/>
NO	<input type="radio"/>

Referendum Question No. 2	
Lot Coverage Variance request for Real Property located at 101 and 107 Tacoma Lane	
Shall a variance be granted to allow three (3) story townhouses, not to exceed forty-five (45) percent lot coverage, to be developed on the real property located at 101 and 107 Tacoma Lane where the code now allows a maximum lot coverage of thirty-four (34) percent for two (2) story buildings, and is silent as to three (3) story buildings?	
YES	<input type="radio"/>
NO	<input type="radio"/>

Referendum Question No. 3	
Height Variance request for Real Property located at 143 Inlet Way	
Shall a variance be granted to allow three (3) story townhouses, not to exceed thirty-six (36) feet in height, measured from grade to the mean level between the eaves and ridge of the highest roof, to be developed on the real property located at 143 Inlet Way where the code now allows a maximum height of twenty-five (25) feet?	
YES	<input type="radio"/>
NO	<input type="radio"/>

Referendum Question No. 4	
Lot Coverage Variance request for Real Property located at 143 Inlet Way	
Shall a variance be granted to allow three (3) story townhouses, not to exceed forty-two (42) percent lot coverage, to be developed on the real property located at 143 Inlet Way where the code now allows a maximum lot coverage of thirty-four (34) percent for two (2) story buildings, and is silent as to three (3) story buildings?	
YES	<input type="radio"/>
NO	<input type="radio"/>

Referendum Question No. 5	
Height Variance request for Real Property located at 101 Linda Lane	
Shall a variance be granted to allow three (3) story townhouses, not to exceed thirty-six (36) feet in height, measured from grade to the mean level between the eaves and ridge of the highest roof, to be developed on the real property located at 101 Linda Lane where the code now allows a maximum height of twenty-five (25) feet?	
YES	<input type="radio"/>
NO	<input type="radio"/>

Referendum Question No. 6	
Lot Coverage Variance request for Real Property located at 101 Linda Lane	
Shall a variance be granted to allow three (3) story townhouses, not to exceed forty-seven (47) percent lot coverage, to be developed on the real property located at 101 Linda Lane where the code now allows a maximum lot coverage of thirty-four (34) percent for two (2) story buildings, and is silent as to three (3) story buildings?	
YES	<input type="radio"/>
NO	<input type="radio"/>

OVERLAY ON ZONING DISTRICT B
PROPOSED REGULATIONS FOR THREE STORY BUILDING OVERLAY

Agenda Item # 7b

Items 1 through 5 shall be contained in the Town Charter and require voter approval before any future modifications to the overlay:

1. **Geographic boundary of the overlay** - The overlay shall consist of all Zoning District B lots located east of Atlantic Avenue only.
2. **Height** - Unit(s) immediately adjacent to District A properties shall be restricted in height as called out in Pf.6.2 (existing two story code). All other unit(s) shall be restricted in height for structures with underground/depressed parking the maximum height shall be forty-two (42) feet and the top of the beam shall not exceed thirty-seven (37) feet measured from the grade elevation. Each unit shall be a minimum of two (2) stories with one (1) story being on the ground level.
3. **Density** - shall be reduced in order to have a maximum of 3 units per platted lot for a total of 9 units per site. This is a density reduction of 25%.
4. **Open space** - all three story buildings shall have a minimum building site area of two (2) platted lots and a maximum of three (3) platted lots to qualify for the overlay. Corner lots with a lot line on Ocean Drive also qualify.
5. **Length of front elevation and roof line of buildings** - all three story buildings shall have a minimum front elevation of 60 ft. and there shall be a break in the building front elevation and corresponding roof line of at least six (6) feet. This will prevent narrow three story buildings from fronting on the streets.

The following items do not require a charter change and will be contained in the Town Code of Ordinances:

6. **Overlay will be multiple dwelling units for single family occupancy**
7. **Architectural features** - architectural features shall be repeated every 60 ft. in order to permit air flow. Specifically, openings such as breezeways, arches etc. to be repeated every 60 ft. and have matching a break in the roof line to match/mirror architectural features.
8. **Facade variation** - undulations required every 40 ft., the proposed building shall have a certain setback and then the remainder shall have a different setback. Façade shall be punctuated by other architectural features such as windows, balconies, doors, porticos, and archways to be repeated every 40 ft.
9. **Architectural styles** - preferred architectural styles shall be Spanish Mediterranean, Florida-Bermuda, Key West.
10. **Setback requirements for architectural features** - increase the allowable amount that architectural features may extend into setbacks from 2' to 5'.
11. **Green space** - a required green space of 20 percent, same as District A.
12. **Strict landscape requirements** - landscape privacy screens in rear and side yards of sufficient height and density to screen the line of sight from second and third story balconies and windows into adjacent lots.
13. **Side yard setbacks** - on multiple lot sites, the setbacks on the North-South lot lines shall be increased from 10 ft. to 12 ft.
14. **Drainage plan** - all submittals shall include drainage plans prepared by a licensed engineer.
15. **DRC/P&Z process required** - strict DRC review prior to Planning and Zoning review and approval.

ORDINANCE NO. O- -13

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, PROPOSING A TOWN INITIATED AMENDMENT TO THE TOWN'S CHARTER; WHICH WOULD PROVIDE FOR AN OVERLAY ON ZONING DISTRICT B TO ALLOW DEVELOPMENT OF THREE STORY BUILDINGS IN CERTAIN CIRCUMSTANCES, AND WHICH WOULD PROVIDE GENERAL DEVELOPMENT RESTRICTIONS FOR CONSTRUCTION OF THREE STORY BUILDINGS IN SAID OVERLAY; FURTHER PROVIDING A BALLOT TITLE AND BALLOT SUMMARY IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA LAW; PROVIDING FOR PROPOSED CHARTER AMENDMENT QUESTION LANGUAGE; AND PUTTING SAID CHARTER AMENDMENT QUESTION TO A VOTE OF THE ELECTORS OF THE TOWN AT THE MARCH 11, 2014 MUNICIPAL ELECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to provide greater opportunity for the re-development of properties located in Zoning District B; and

WHEREAS, the Town Commission has studied current development trends and believes that the creation of an overlay that permits re-development of Zone B properties east of Atlantic Avenue, in or near the Ocean Avenue corridor, with three story buildings under certain conditions is a desirable way to stimulate such re-development; and

WHEREAS, the Town Commission desires to place certain basic overlay development requirements into the Town Charter in order to prevent requirements for three story development in Zoning District B from being relaxed without future voter approval; and

WHEREAS, the Town Commission desires to place before the electors of the Town the question of whether to amend the Town Charter to provide for a Zoning District B overlay that allows three story buildings under certain conditions; and

WHEREAS, the next municipal election to be held within the Town is March 11, 2014; and

WHEREAS, the deadline for submission of such ballot title and summary to the Palm Beach County Supervisor of Elections for the March 11, 2014 municipal election is February 7, 2014; and

WHEREAS, the Town Commission desires to provide a legally sufficient ballot title and summary as set forth in this ordinance within the deadline for placement on the March 11, 2014, municipal election.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE

TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: The above recitals are true and accurate, and are incorporated herein.

Section 2: The Town Commission hereby directs that the following ballot title and ballot summary shall be put to a vote of the Town electors at the March 11, 2014 municipal election:

“CHARTER AMENDMENT TO PROVIDE FOR A ZONING DISTRICT “B” OVERLAY
AND RELATED DEVELOPMENT REGULATIONS”

“SHALL THE CHARTER OF PALM BEACH SHORES BE AMENDED TO ADD A ZONING OVERLAY ON ZONE “B” PROPERTIES EAST OF ATLANTIC AVENUE, TO ALLOW DEVELOPMENT OF THREE STORY BUILDINGS UNDER CERTAIN CIRCUMSTANCES, TO PROHIBIT SUCH DEVELOPMENT IMMEDIATELY ADJACENT TO ANY ZONE A PROPERTY, AND TO PROVIDE FURTHER REGULATIONS THAT SET MAXIMUM HEIGHT LIMITS OF 42 FEET, DENSITY LIMITS OF THREE UNITS PER LOT, THAT PROVIDE A MINIMUM SITE AREA, AND FRONT ELEVATION DESIGN REQUIREMENTS”?

YES _____

NO _____

Section 3: Based on the language contained in the petition, the proposed new Charter language, if approved by a majority of the Town Electors at the March 11, 2014 municipal election, would be placed at ARTICLE IX. Section 9.2 as follows:

Sec. 9.2. District B Overlay.

Building height.

All principal buildings in the overlay shall have a minimum of two (2) stories with one (1) story being located at the ground level. No building in the overlay shall have more than three (3) stories. The maximum height of any three (3) story building in the overlay shall not exceed forty-two (42) feet and the top of the beam on any such building shall not exceed thirty-seven (37) feet. No building in the overlay located immediately adjacent to any lot located in Zoning District A shall have more than two (2) stories. The maximum height of any two (2) story building in the overlay located immediately adjacent to any lot located in Zoning District A shall not exceed twenty-nine (29) feet and the top of the beam on any such building shall not exceed twenty four (24) feet.

Building site area.

The minimum building site area for the District B Overlay shall be two (2) adjoining

platted lots, or a single corner lot; and the maximum site area shall be three (3) adjoining platted lots as set out on the Plat of Palm Beach Shores, as amended.

Dwelling unit density.

Maximum dwelling unit density for the District B Overlay shall not be greater than three (3) units per platted lot.

Front elevation.

All three (3) story buildings in the District B Overlay shall have a minimum front elevation of sixty (60) feet and there shall be a break in the building front elevation and corresponding roof line of at least six (6) feet.

Geographic boundary of Overlay.

The overlay shall be located in all of Zoning District B east of Atlantic Avenue.

Section 4: The Town Clerk is hereby directed to provide a certified copy of this Resolution to the Palm Beach County Supervisor of Elections immediately, but in no event any later than Noon of February 7, 2014.

Section 5. This Resolution shall take effect immediately upon adoption.

ORDINANCE NO. O-1-21

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING. SECTION IX. WALLS, FENCES AND HEDGES. AT PF. 9.2. LIMITATIONS. TO REVISE THE HEIGHT LIMITATIONS FOR GATES AND GATE POSTS; 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, the Town of Palm Beach Shores currently regulates the height of gates and gate posts in relation to the height of the walls or fences to which they are attached; and

WHEREAS, the Town Commission desires to revise the height limitations for gates and gate posts to provide maximum heights for each in all zoning districts; and

WHEREAS, the Town Commission finds that these regulations 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 IX. Walls, Fences and Hedges. to amend Pf. 9.2. Limitations. to revise the height limitations for gates and gate posts; providing that Pf. 9.2. shall hereafter read as follows:

Pf. 9.2. - Limitations.

(a) – (d) Remain as previously adopted

(e) Gates and gateposts. Gates may be a maximum height of six (6) feet, as measured from grade, in all zoning districts. ~~exceed the maximum height of the fence, wall or hedge to which they are attached by no more than one (1) foot.~~ Gateposts, exclusive of decorative/lighting fixtures, may be a maximum height of six (6) feet.

~~as measured from grade, in all zoning districts, exceed the maximum height of the fence, wall or hedge to which they are attached by no more than two (2) feet.~~

- (f) Prohibited materials. Barbed wire, razor wire or any other type of fencing material with sharp edges by whatever name it may be called is strictly prohibited within the Town of Palm Beach Shores.
- (g) Street corners. Concrete ornamental masonry, and balustrades and standards located on street corners throughout the Town shall not be removed by adjacent lot owners. Only ground cover may be planted in front of any balustrade. Shrubbery immediately behind a balustrade shall be limited to the height of the balustrade.

Section 2. Each and every other article, section, and subsection of Appendix A. Zoning Ordinance. 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 with this ordinance are 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 into the Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 6. This ordinance will take effect immediately upon adoption.

FIRST READING this ____ day of _____, 2021.

SECOND AND FINAL READING this ____ day of _____, 2021.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney

ORDINANCE NO. O-3-21

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING. SECTION XII. GENERAL PROVISIONS. AT PF. 12.7. CENTRAL AIR CONDITIONING EQUIPMENT. TO CLARIFY THE PERMISSIBLE LOCATION OF SUCH EQUIPMENT AND AT PF. 12.8. EMERGENCY ELECTRICAL GENERATORS. TO CLARIFY THE LOCATION OF SUCH EQUIPMENT AND PROVIDE ADDITIONAL REGULATIONS TO MINIMIZE THE IMPACT OF THIS EQUIPMENT TO ADJACENT PROPERTIES. 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, the Town of Palm Beach Shores currently regulates the location and screening (both sight and noise) of emergency electrical generators and air conditioning equipment; and

WHEREAS, the Town Commission desires to clarify existing regulations with regard to placement of each and to provide additional regulations applicable to emergency electrical generators to minimize the impact of such equipment on adjacent properties; and

WHEREAS, the Town Commission finds that these regulations 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 XII. General Provisions. to amend Pf. 12.7. Central air conditioning equipment. to clarify the permissible location of such equipment; providing that Pf. 12.7. shall hereafter read as follows:

Pf. 12.7. - Central air conditioning equipment.

All exterior central air conditioning equipment hereinafter installed shall be located between the mid-point of the principal structure and the rear lot line. This equipment shall not be located in any easements, utility or otherwise, in or to the rear of the structure. ~~The Planning and Zoning Board may approve the relocation of this equipment under special conditions.~~

Section 2. Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section XII. General Provisions. to amend Pf. 12.8. Emergency electrical generators. to clarify the permissible location of such equipment and provide additional regulations to minimize the impact of such equipment on adjacent properties; providing that Pf. 12.8. shall hereafter read as follows:

Pf. 12.8. - Emergency electrical generators.

- (a) All permanently installed (non-portable) emergency electrical generators installed to the exterior of any principal or accessory structure shall hereinafter be located between the mid-point of the principal structure and the rear lot line, subject to subpart (b) below and shall be installed on the same side of the principal structure as the central air conditioning equipment. ~~in or to the rear of the structure. However, in accordance with its application review, the Planning and Zoning Board may approve the relocation of this equipment under special conditions. In no case shall such equipment be installed in any "front yard" as that term is defined in this Zoning Code, except for those corner lots situated along Lake Drive, Atlantic Avenue or Ocean Avenue which have the house facing Lake Drive, Atlantic Avenue or Ocean Avenue but which have the front property line designated on the east-west streets pursuant to the definition set forth at Pf. 2.24. Frontage, lot_s, of the Zoning Ordinance. For such lots, the emergency electrical generator may be installed in the "front yard" as defined at Pf. 2.39. Yard, front, of the Zoning Ordinance upon specific approval by the Planning and Zoning Board as set forth above.~~

- (b) All permanently installed (non-portable) emergency electrical generators shall be set back a minimum of five (5) feet from the property line.
- (c) Emergency electrical generators, whether permanently installed (non-portable) or temporary (portable), shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-43.
- (d) The exhaust from emergency electrical generators, whether permanently installed (non-portable) or temporary (portable), shall be vented upward and directed away from neighboring properties, as much as is practically feasible.
- (be) All emergency electrical generators shall be placed so as to minimize the visual impact on adjacent properties with the use of appropriate sight screening.
- (ef) All emergency electrical generators shall be placed so as to minimize and contain the sound emitting from the equipment. The use of sound attenuating materials to screen the equipment shall be required if practicable, to meet the decibel levels required by section 42-43 and can include the following techniques:
- 1) A professionally made custom enclosure specifically made to reduce the noise level to a level that meets Town code;
 - 2) A noise barrier wall constructed of concrete or similar material with a minimum height equal to that of the generator plus six (6) inches, completely obscuring the visibility of the generator from the street and abutting neighbors. All walls/screening shall be able to safely withstand any heat produced by the generator for an indefinite amount of time.
 - 3) The professional installation of rock wool insulation or a similar heat resistant acoustical insulation to either the interior of the generator's enclosure, or lining the interior side of the noise barrier wall is recommended.
- (dg) Maintenance and "exercise" of emergency electrical generators shall be limited to once per week, Monday through Saturday, between the hours of 10:00 a.m. and 5:00 p.m. with such period not to exceed thirty (30)60 minutes in duration. Otherwise, emergency electrical generators may only be used during periods when electrical service to the property they service has been lost.

Section 3. Each and every other article, section, and subsection of Appendix A. Zoning Ordinance. of the Code of Ordinances of the Town of Palm Beach Shores shall remain in full force and effect as previously enacted.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 5. 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 6. Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 7. This ordinance will take effect immediately upon adoption.

FIRST READING this ____ day of _____, 2021.

SECOND AND FINAL READING this ____ day of _____, 2021.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney



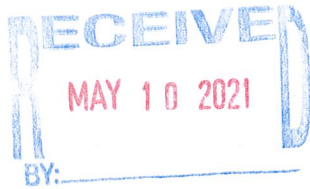
Beach Cabanas

Brief History – Beach cabanas were not permitted on the Town Beach until 2017. Some residents petitioned the Town Commission to allow the service of beach cabanas and chairs on the Town Beach. The pros and cons were presented in a series of meetings. The Commission decided to allow the operation on the Town Beach as a service to the residents who chose to use and pay for it. In addition to allowing the cabana and chair rental service, the current contract provides that the vendor clean the Town Beach daily.

Attachments:

1. Request for Contract Amendment, Oceanside Beach Service
2. Diagram from the current contract with Oceanside depicting placement of the chairs.

Discuss the advantages/disadvantages of the proposed amendment.



May 7, 2021

Michael J. Novatka
President
Oceanside Beach Service
P.O. Box 13018
North Palm Beach, FL 33408

Ms. Wendy Wells
Town Administrator
Town of Palm Beach Shores
247 Edwards Lane
Palm Beach Shores, FL 33404

Re: Request for Contract Amendment

Dear Ms. Wells,

As we conclude our second season of providing municipal beach services to Palm Beach Shores residents and guests we are proud to announce our services have been warmly received by the community and, as a result, our resident customer base has continued to grow. We believe this is a reflection of the quality service we strive to provide on a daily basis.

The purpose of this letter is to request an amendment to our current contract so that we may better serve our customers. The existing contract currently limits us to a total of twelve daily beach set-ups. Unfortunately, during peak periods this limits availability of our service to very few residents. We are sensitive to the perception of "overcrowding" the town beach, however, many residents would prefer to avail themselves of the equipment we provide rather than transport their own equipment to the beach. Lastly, ensuring adequate seating is available on the beach will often encourage customers to walk or bike to the beach (rather than load and transport chairs) and help alleviate demand for parking in the beach parking lot.

Below is a draft contract amendment (replacing the applicable paragraph in its entirety) for your consideration.

"The CONTRACTOR is permitted to provide the contemplated services, which include placement and rental of up to twelve double cabana lounges (wood), outfitted daily with cushions and cabana hood and/or umbrella, on the town beach. In addition to the twelve wood cabana lounges, CONTRACTOR is authorized to deploy portable beach set-

ups on an as needed basis to satisfy resident demand during peak periods. A portable beach set-up is defined as seating for two (strap chaise or foldout beach chair) with side table and umbrella. At no time shall CONTRACTOR deploy more portable beach set-ups than are needed to satisfy immediate resident demand. Between February 28/29 and November 1 the CONTRACTOR shall strictly adhere to Palm Beach County Department of Environmental Resource Management sea turtle protection program requirements. The CONTRACTOR shall be permitted to operate as a free enterprise and to establish rates for renting beach equipment and services."

The essence of the amendment is to give us the flexibility to satisfy resident demand while ensuring a minimum amount of equipment is set up at any given time.

I look forward to answering any questions you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Novatka", with a stylized flourish extending to the right.

Michael J. Novatka
President

OCEAN



Key - ○ cabanas
X chairs

Oceanside Beach Service 1/1/20



Beach Parking Permits for Non-Residents

Background – The Town has traditional offered a small number of beach parking permits to non-residents. On June 22, 2020, the Town Commission approved the sale of 40 non-resident beach parking permits at \$200 each. It was further approved that the fees should be referenced in the Town's Fee Schedule. This generates \$8,000 in revenue. The non-resident passes are quite sought after and typically sell out the day they go on sale.

Here is the historical data on price, quantity, and revenue for non-resident beach parking permits:

Fiscal Year	Price	Quantity	Revenue
2013	\$100	30	\$3,000
2014	\$100	30	\$3,000
2015	\$150	30	\$4,500
2016	\$150	30	\$4,500
2017	\$150	30	\$4,500
2018	\$150	30	\$4,500
2019	\$200	40	\$8,000
2020	\$200	40	\$8,000

Discuss whether the number of permits and/or the fee should be adjusted.



FY2022 Budget Schedule

June 2021	Department Head Budget Meetings – internal staff meetings
July 12, 2021, 7pm	Budget Workshop #1 <ul style="list-style-type: none">• Fund Balance Analysis• Statistics• Revenue Projections• Overview of Operating Expenditures• Capital Plan• Debt Service on Underground Utilities Funding• Millage Rate Discussion• Budget Schedule
July 26 th Commission Meeting	Set proposed millage rates (operating & debt) and tentative budget hearing date, time, and meeting place.
August 9, 2021, 7 pm	Budget Workshop #2 <ul style="list-style-type: none">• Department Budgets• Follow up on any items from first workshop
August 16, 2021, 7 pm	Budget Workshop #3 – if necessary
August 23 rd Commission Meeting	If necessary, possibly prior to the Commission meeting
Tentative Budget Hearing	<i>proposed date: September 13, 2021, 7 pm; regular Commission Workshop immediately following</i>
Final Budget Hearing	<i>proposed date: September 27, 2021, 7 pm; regular Commission Meeting immediately following</i>



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