

June 23, 2021
Immediately following the
6:30 pm P & Z Meeting (or as soon
thereafter as possible)



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

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

Jerald Cohn, Chairman
Tim Blash, Vice Chairman

Kevin Banks, Member
Jason Prince, Member
Steven Smith, Member
Tony Lembo, Alternate
Tom Martin, Alternate

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

PLEASE NOTE:

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting number: 132 719 3077

Password: 0623

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=mdb2b7137984b59df32605a35e50b4bd0>

Join by phone: +1-408-418-9388 United States Access code: 132 719 3077

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

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

3. **MISCELLANEOUS BUSINESS**
 - a. Ordinance O-3-21: Amending Appendix A. Zoning, Section XII, General Provisions at PF. 12.7, Central Air Conditioning Equipment and Emergency Electrical Generators to clarify locations of such equipment to minimize impact to adjacent properties. *(Presented by Town Attorney)*

5. **PUBLIC COMMENT**

6. **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 ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. **FOR HEARING ASSISTANCE:** If any person wishes to use a hearing device, please contact the Town Clerk.

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, 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