

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 AT 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 AND AT PF. 7.13. OFF-STREET PARKING TO CREATE BERMING AND SCREENING REQUIREMENTS FOR SURFACE LEVEL OFF-STREET PARKING IN ZONING DISTRICT C; 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, Section Pf. 7.13 of Appendix A., Zoning Ordinance of the Town of Palm Beach Shores, establishes off-street parking regulations for all buildings in Zoning District C; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores finds that berming and screening surface-level off-street parking from public view will help further the Town's interests in preserving community aesthetics and scenic beauty; 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.
- ab. The maximum height of any building in this district that utilizes underground/depressed parking pursuant to Pf. 12.6₁ 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.
- be. No building shall have more than three (3) stories.
- cd. The maximum height of any accessory building in this district shall be fifteen (15) feet.
- de. 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.

ef. 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. 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. 7.13. Off-street parking. to create berming and screening requirements for off-street parking spaces in Zoning District C; providing that Pf. 7.13. Off-street parking. shall hereafter read as follows:

Pf. 7.13. - Off-street parking.

(a) — (c) [shall remain in full force and effect as previously adopted.]

(d) Berming and landscape screening. Surface-level off-street parking shall be screened from view from any public right-of-way with a two (2) foot berm to be located along the perimeter of the property. Required landscaping may be installed on the berm and a swale area shall be provided on the outside of the berm sufficient to ensure drainage is contained within the property boundaries. The berm slope shall be no less than a three (3) to one (1) slope.

Section 3. Each and every other section and subsection of Appendix A. Zoning shall remain in full force and effect as previously adopted.

Section 4. All ordinances or parts of ordinances in conflict be and the same are hereby 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.

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

FIRST READING this 29th day of September, 2020.

SECOND AND FINAL READING this 26th day of October, 2020.

TOWN OF PALM BEACH SHORES

Alan D. Fiers
Alan Fiers, Mayor

ATTEST:

Evyonne Browning
Evyonne Browning, Town Clerk

(Seal)



Approved as to form and legal sufficiency.

Keith Davis
Keith Davis, Town Attorney