

ORDINANCE NO. O-3-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING AT SECTION IV. BASIC RESTRICTIONS FOR ALL DISTRICTS. AT PF.4.6. GRADE ELEVATIONS. TO ALLOW ADDITIONS TO SINGLE-FAMILY STRUCTURES IN ZONING DISTRICT A TO MATCH THE EXISTING GRADE AND FINISHED FIRST FLOOR ELEVATIONS SUBJECT TO CERTAIN RESTRICTIONS AND AT SECTION XIII. NONCONFORMING BUILDINGS AND USES. AT PF. 13.2. NONCONFORMING BUILDINGS. TO ADD AN ALLOWANCE FOR ADDITIONS TO SINGLE-FAMILY HOUSES IN ZONING DISTRICT A TO BE BUILT TO MATCH THE NONCONFORMING GRADE AND FINISHED FIRST FLOOR ELEVATION; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A 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, current Zoning Code regulations require that all structure additions meet current grade and finished first floor elevations, which are based on the property's mean crown of the adjacent roadway; and

WHEREAS, the original housing stock in Zoning District A was constructed prior to the Town's grade and finished first floor regulations, meaning that in nearly all cases, the current Code required grade and finished floor elevations for proposed additions are several inches higher than the existing elevations of the onsite structure; and

WHEREAS, in recent months, multiple variance requests have been requested and processed requesting relief from the above-referenced requirements to prevent additional square footage added to existing structures from having to be built with a step up to the addition.

WHEREAS, the Town Commission of the Town of Palm Beach Shores believes these amendments to the Town's Zoning Code are in the best interest of the health, safety and welfare of the Town, its citizens, and all those doing business with the Town.

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 IV. Basic Restrictions for All Districts. to

amend Pf. 4.6. Grade elevations. to allow additions to single-family structures in Zoning District A to match the existing grade and finished first floor elevation subject to certain restrictions; providing that Pf. 4.6. shall hereafter read as follows:

Pf. 4.6. - Grade elevations.

- a. Generally, the grade elevation of any building site at the building foundation, and to a minimum distance of two (2) feet from the foundation outwards, shall be a minimum of one and one-half (1½) feet and a maximum of two (2) feet above the mean elevation of the crown of the adjacent street or streets, except that in the event of construction of an addition to a single-story structure located in Zoning District A which contains no portion of the parcel located in a Special Flood Hazard Area, an area not to exceed fifty percent (50%) of the square footage of the existing structure shall be allowed to be constructed to match the existing grade elevation.
- b. However, for any single story structure in Zoning District B, C or D that utilizes underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure, the grade elevation at the building foundation, and to a minimum distance of two (2) feet from the foundation outwards, may be increased to a maximum of three (3) feet above the mean elevation of the crown of the adjacent street or streets.
- c. For any multiple story structure in Zoning District B, C or D that utilizes underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure, the grade elevation at the building foundation, and to a minimum distance of two (2) feet from the foundation outwards, must be three (3) feet above the mean elevation of the crown of the adjacent street or streets. All ingress and egress ways for the underground/depressed parking level shall retain the grade slope to the greatest extent possible. Where necessary to facilitate the underground/depressed parking level, retaining walls may be utilized to comply with grade elevation requirements, however, the use of any such retaining wall must be specifically approved by the Planning and Zoning Board as part of the site plan review process.

- d. The elevation of the finished first floor of any building shall be a minimum of one-half ($\frac{1}{2}$) feet and a maximum of one and one-half ($1 \frac{1}{2}$) feet above the highest grade elevation of the building site or no less than the 100-year flood level, whichever is the highest, except that in the event of construction of an addition to a single-story structure located in Zoning District A which contains no portion of the parcel located in a Special Flood Hazard Area, an area not to exceed fifty percent (50%) of the square footage of the existing structure shall be allowed to be constructed to match the existing finished first floor. However, for any multiple story structure in Zoning District B, C or D that utilizes underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure, the elevation of the finished first floor of the building shall be no higher than seven (7) feet above the mean elevation of the crown of the street at the front of the lot. All ingress and egress ways for the first floor shall be set at or between the grade elevation at the building foundation, and the elevation of the finished first floor.
- e. At the boundary lines, the building site shall be graded to a reasonable match with abutting properties. The balance of the building site, including all surface parking areas, shall be graded from the high level located two (2) feet outward from the building foundation to the low levels at the boundary lines, with a continuous gradual slope.

Section 2: Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section XIII. Nonconforming Buildings and Uses. to amend Pf. 13.2. Nonconforming buildings. to add an allowance for additions to single-family houses in Zoning District A to be built to match the nonconforming grade and finished first floor elevation; providing that Pf. 13.2. shall hereafter read as follows:

Pf. 13.2. - Nonconforming buildings.

Where a lawful building exists at the effective date of adoption or amendment of this zoning ordinance that could not be built under the terms of this zoning ordinance by reason of restrictions on area, lot coverage, height, yards, setbacks or other

characteristics of the building or its location on the lot, such building may be continued so long as it remains otherwise lawful subject to the following provisions:

(a) No such building may be enlarged or altered in any way which increases its nonconformity, except for single family dwellings located in any zoning district which may be altered as follows:

1. Ground floor additions or renovations to existing one-story single family dwellings may be built to match nonconforming setbacks or nonconforming roof pitches existing at the point where the proposed addition/renovation will adjoin the existing building; however, any such addition must otherwise conform to all applicable zoning codes, and particularly shall not cause the building to violate the applicable maximum lot coverage limits, maximum allowed flat roof area, maximum building height or minimum landscape requirements.

2. Ground floor additions to existing one-story single-family dwellings in Zoning District A may be built to match nonconforming grade and finished first floor elevations subject to the restrictions set forth in Pf. 4.6.

32. Any second story addition or renovation may be built to match nonconforming roof pitches existing at the point where the proposed addition/renovation will adjoin the existing building, but otherwise shall conform to all applicable zoning codes.

(b) Should such building be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, as determined by the town building official, it shall not be reconstructed except in conformity with the provisions of this zoning ordinance; except in cases of fire, explosion or other casualty, or act of God, or the public enemy, in which case the structure may be replaced as it was originally constructed.

(c) Should any structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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: Should any section or provision of this Ordinance or any portion thereof, 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.

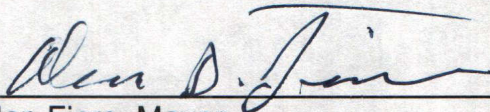
Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon passage.

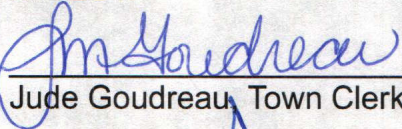
FIRST READING this 25th day of April, 2022.

SECOND AND FINAL READING this 23rd day of May, 2022.

TOWN OF PALM BEACH SHORES


Alan Fiers, Mayor

ATTEST:


Jude Goudreau, Town Clerk

Approved as to form and legal sufficiency.


Keith Davis, Town Attorney

