

April 24, 2019
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**

Janet Kortenhaus, Chairman
Rick Ziegler, Vice Chairman

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

Rob Rennebaum, Engineer
Josh Nichols, Zoning Official
Mitty Barnard, Attorney
Joe Kajak, Building Official
Evyonne Browning, Town Clerk
Laura Brown, Building Clerk

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

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

4. **PUBLIC HEARING**

5. **MISCELLANEOUS BUSINESS**
 - a. Ordinance O-15-19: Building Measurement District "A" (*Presented by Town Attorney*)

6. **PUBLIC COMMENT**

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-15-19

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT SECTION II. DEFINITIONS., PF. 2.11. BUILDING, HEIGHT OF. TO CHANGE THE POINT OF MEASUREMENT FROM THE MEAN ELEVATION OF THE CROWN OF THE ADJACENT ROAD TO THE FINISHED FIRST FLOOR ELEVATION; AT SECTION IV. BASIC RESTRICTIONS FOR ALL DISTRICTS., PF. 4.6. GRADE ELEVATIONS. TO ADD A MAXIMUM FINISHED FIRST FLOOR ELEVATION; AND AT SECTION V. DISTRICT A REGULATIONS., PF. 5.2. BUILDING HEIGHT. TO CHANGE THE POINT OF MEASUREMENT FROM THE MEAN ELEVATION OF THE CROWN OF THE ADJACENT ROAD TO THE FINISHED FIRST FLOOR ELEVATION, PROVIDE A BUILDING HEIGHT LIMIT FOR SINGLE-STORY CONSTRUCTION AND REDUCE THE MINIMUM ROOF PITCH PERMITTED; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING ORDINANCE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Town zoning regulations specific to Zoning District A currently set the point of measurement for both beam height and overall building height as measured from the mean elevation of the crown of the adjacent road; and

WHEREAS, properties in Zoning District A located in the AE flood zone are required under the new Federal Emergency Management Agency (“FEMA”) maps (effective October 2017) to elevate their finished first floor elevations an additional one (1) foot above the base flood elevation (“BFE”); and

WHEREAS, tying the point of measurement to the mean elevation of the crown of the adjacent road limits construction on over 100 properties in Town that are required by FEMA to raise their finished first floor elevations; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to change the point of measurement for beam and overall building height in Zoning District A from the mean elevation of the crown of the adjacent road to the finished first floor elevation in order to appropriately account for new FEMA requirements affecting properties in Town and to ensure that the Town’s regulations remain in line with current market demands and trends; 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 II. Definitions., Pf. 2.11. Building, height of. to change the point of measurement from the mean elevation of the crown of the adjacent road to the finished first floor elevation; providing that Pf. 2.11. Building, height of. shall hereafter read as follows:

Pf. 2.11. - Building, height of.

In Zoning District A, the height of a building is the vertical distance measured from the finished first floor elevation ~~mean elevation of the crown of the adjacent street or streets~~ to the highest point of the structure-roof, provided certain roof structures, as set out in the regulations for Zoning District A may exceed the height limit. In all other zoning districts, the height of a building is the vertical distance measured from the building grade elevation to the highest point of the roof, provided certain roof structures, as set out in the regulations for particular zoning districts may exceed the height limit.

Section 2: 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., Pf. 4.6. Grade elevations. to add a maximum finished first floor elevation; providing that Pf. 4.6. Grade elevations. 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.

- 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 (½) feet and a maximum of one and one-half (1 ½) feet above the highest grade elevation of the building site or no less than the 100-year flood level, whichever is the highest. 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 3: Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section V. District A Regulations., Pf. 5.2. Building height. to change

the point of measurement from the mean elevation of the crown of the adjacent road to the finished first floor elevation, provide a building height limit for single-story construction and reduce the minimum roof pitch permitted; providing that Pf. 5.2. Building height. shall hereafter read as follows:

- (a) The maximum height of any principal building in this district shall be twenty-eight (28) ~~twenty-nine (29)~~ feet, as measured from the finished first floor elevation ~~and the top of the beam shall not exceed twenty-two (22) feet measured from the mean elevation of the crown of the adjacent street or streets.~~ For one-story buildings, the building height shall not exceed twenty-four (24) feet, as measured from the finished first floor elevation. No building shall have more than two (2) stories.
- (b) The maximum height of any accessory building in this district shall be seventeen (17) feet measured from the mean elevation of the crown of the adjacent street or streets.
- (c) No roof structures shall be permitted above the height limit of twenty-eight (28) ~~twenty-nine (29)~~ feet, as measured from the finished first floor elevation, 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.
- (d) The minimum roof pitch shall be 1/12 ~~4/12~~ and the maximum roof pitch shall be 8/12. No more than ten (10) percent of the total roof area of any building in this district may be a flat roof; all flat roof areas must be concealed from view from any street with architectural features that comply with section 14-87, review criteria for architectural and design features.

Section 4: Each and every other article, 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 enacted.

Section 5: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6: 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 7: Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this ____ day of May, 2019.

SECOND AND FINAL READING this ____ day of June, 2019.

TOWN OF PALM BEACH SHORES

Myra Koutzen, Mayor

ATTEST:

Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney

(Seal)